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Wisconsin

Proposed Resource Management Plan Amendment
Environmental Assessment:
Disposition of Public Domain Properties



BLM Mission

It is the mission of the Bureau of Land Management to sustain the health, diversity and productivity of the public lands for the use and enjoyment of present and future generations.

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Executive Summary

The Wisconsin Proposed Resource Management Plan Amendment/Environmental Assessment (Proposed Plan) is designed to give Bureau of Land Management (BLM) authority to transfer from its jurisdiction twelve tracts of public land in the state. Four of the tracts contain lighthouses no longer required by the U.S. Coast Guard (USCG). The remaining parcels are small, scattered tracts located in five Northern Wisconsin counties.

In order to transfer jurisdiction, BLM must explicitly identify the tracts it believes should be transferred out of its administration and which criteria should be applied to determine the most appropriate recipients of the properties. The proposed plan identifies all of the tracts as suitable for transfer. The disposal criteria developed in the planning process will be applied when BLM reviews site-specific proposals for each parcel.

The proposed plan also identifies the procedures and additional studies that must be completed before any lands are transferred. These include archaeological surveys, consultations under the Endangered Species Act, and other site-specific studies, as appropriate. Native American tribes and the State Historical Society of Wisconsin will be contacted as well, in accordance with the National Historic Preservation Act, as amended, and other Federal laws.

In addressing these questions BLM has worked closely with the public and many Federal, state and local government agencies. The purpose of these contacts has been to ensure that BLM's actions are consistent with other agencies' programs, policies and plans. BLM solicited the agencies' views on the future disposition of the affected parcels.

Much of the focus of this planning effort has been the status and future management of the four lighthouse properties. The proposed plan reflects the input of these interested parties, as well as the requirements of many Federal laws, policies and programs.

The result of these contacts and the analysis contained in the proposed plan has been to provide management direction when considering applications to acquire the properties. No decisions have been made on the disposition of the tracts. Instead, the disposal criteria and the results of site-specific environmental assessments will guide decisionmakers on a case-by-case basis. The public and other parties will continue to be involved in the planning process to ensure that all viewpoints are heard and no issues are overlooked.

The proposed plan assesses three alternatives: (1) transfer out of BLM administration; (2) no action; and (3) BLM retention and active management. BLM's preferred alternative is Alternative One, by which BLM would transfer the parcels under several legal authorities: the Federal Land Policy and Management Act for public sales or land withdrawals to other Federal agencies, or no-cost sales to State or local agencies under the Recreation and Public Purposes (R+PP) Act. Not-for-profit organizations would be eligible to acquire historic properties (i.e., lighthouses) under the R+PP Act, but would have to pay 50 percent of fair market value for the property.

The tracts affected by the proposed plan fall into one of two categories:

1. Lighthouse stations declared excess by the United States Coast Guard and referred to BLM for further disposition; or
2. Other upland public domain parcels in the State of Wisconsin.

At the outset, BLM management decided that:

- Lighthouse properties should be kept in public ownership, whenever possible;
- Historic preservation and tourism are important factors to be considered when BLM reviews specific proposals for the lighthouses;
- Any decisions regarding land transfers should consider both local impacts and the national interest;
- BLM will try to divest itself of these properties unless no qualified entity or individual comes forward to acquire the land.

These decisions have been largely supported by those groups and individuals who participated in the planning process.

The proposed plan will be circulated for a period of *no longer than 30 days* prior to which any person who has participated in the planning process and who believes they will be adversely affected by the implementation of the plan may file a protest with the BLM Director.

A decision record (DR) will be issued after any protests are resolved by the Director. At that time, BLM will implement the plan in accordance with the DR's provisions and as budgets allow.

Chapter One – Introduction

Purpose and Need

The Wisconsin Proposed Resource Management Plan Amendment/Environmental Assessment (proposed plan) addresses the future disposition of twelve properties under the jurisdiction of the Bureau of Land Management (BLM). The proposed plan has been prepared under the authority of Section 202 of the Federal Land Policy and Management Act of 1976 (FLPMA) and the National Environmental Policy Act of 1969 (NEPA).

The twelve tracts total approximately 610 acres. BLM must prepare a plan to determine whether disposal is in the public interest and to analyze possible impacts of a range of alternatives.

The proposed plan amends the original resource management plan for BLM lands and resources in Wisconsin approved in 1985 (BLM 1985). That plan did not identify specific tracts for disposal as required by FLPMA and did not analyze environmental impacts in accordance with NEPA. The proposed plan satisfies both of these legal requirements.

The lands considered in the proposed plan fall into one of two categories:

1. Relinquished lighthouse stations currently withdrawn from operation under the public land laws for use by the U.S. Coast Guard (USCG); or
2. Other public domain parcels in the State of Wisconsin.

Description of Planning Area

The planning area includes only those tracts being considered for further disposition. For the purposes of analysis, BLM did consider environmental effects on surrounding lands. The legal land descriptions are found in Appendix 2.

Bayfield County

Perry Lake (Town of Cable)
Lake Osborn (Town of Grandview)

Door County

Cana Island Lighthouse (Town of Baileys Harbor)
Eagle Bluff Lighthouse (Town of Gibraltar)
Pilot Island Lighthouse (Town of Washington)
Plum Island Lighthouse (Town of Washington)

Langlade County

Lower Bass Lake (Town of Upham)

Oneida County

Lily Lake (Town of Crescent)

Vilas County

Big Lake (Town of Presque Isle)

Pickerel Lake (Town of Cloverland)

Waupaca County

Clintonville (Town of Matteson)

Planning Issues

BLM's planning handbook defines planning issues as disputes over how best to manage resources that a plan should resolve. A set of planning issues was identified from an analysis of comments solicited by BLM from the general public, other State, Federal and local agencies, and Native American tribes.

Lighthouses

The bulk of issues identified by the public relate to the future management of the Door County lighthouses. Many people requested that BLM ensure that the lighthouses have public access. A few people inquired whether any of the lighthouses could be sold to private developers.

In general, lighthouse issues related to eligibility for inclusion on the National Register of Historic Places; access and tourism; local impacts (neighborhood); archaeological and cultural resources; and natural resource protection, particularly for threatened or endangered species.

Upland Tracts

The remaining parcels are called "upland tracts" to separate them from the 600+ islands that BLM owns in Wisconsin. Some of these tracts have had ownership conflicts and have active claims for ownership filed under the Color-of-Title Act (45 Stat. 1069), as amended.¹ If a color-of-title claim is rejected because it does not meet the requirements of the act, the parcel may be classified for sale under FLPMA. If a color-of-title claim is rejected to protect natural or cultural resource reasons, the land will most likely be made available for transfer to another Federal, state or local governmental agency or non-profit conservation group.

Several parcels do not have title conflicts and are considered available for transfer under the public land laws. These tracts are located in Bayfield, Langlade, Oneida and Vilas counties. At issue for these parcels is how any transfers might affect the local area's rural character.

¹ See page 16 for a brief explanation of how these parcels remained in Federal ownership after Statehood in 1848.

Decisions That Will Be Made

The primary goal for this planning effort is to give BLM the authority to transfer jurisdiction of its remaining lands in the state. To accomplish that BLM must: (1) specifically identify lands suitable for disposal based on the disposal criteria in FLPMA; and (2) identify any additional criteria appropriate to address local circumstances. Both FLPMA's and the plan's disposal criteria will be used to evaluate proposals submitted by prospective land owners.

BLM's planning handbook requires the following determinations to be made in a land use plan:

- which lands are appropriate for limited, restricted or exclusive use;
- which lands could be transferred from BLM administration;
- the resource goals and objectives to be attained for BLM lands and resources;
- the support actions needed to implement the plan (e.g., realty actions, land surveys, protective measures); and
- monitoring intervals and standards.

The proposed plan makes some of these determinations. Other determinations, such as monitoring intervals and standards and specific goals for each parcel, will be made at the site-specific planning phase. The proposed plan does not identify specific individuals or entities to receive the properties.

Current Management Guidance

Under the existing plan for BLM lands in Wisconsin, all public lands are designated as suitable for disposal, unless certain exceptions exist to require that BLM retain the parcels (BLM, 1985; see Appendix 3). FLPMA (Sec. 203(a), 43 U.S.C. 1713) provides the basic disposal criteria. It states that BLM may convey out of its ownership lands which are too expensive or unwieldy to manage, lands that it no longer requires for a particular use or land that would meet other important needs, including local community expansion or for recreation. Additional criteria can be developed through the land use planning process.

Through the planning process, BLM determines whether disposal is in the national interest by developing a set of criteria or rules that will be reviewed against each parcel and its proposed use. As part of the plan amendment process, BLM reviewed existing disposal criteria, laws and policies, and public comments to determine which tracts should be transferred from BLM's jurisdiction, and under what circumstances the transfers should occur.

Based on this review, BLM will adopt, in its entirety, the lands disposal decision from the 1985 Wisconsin RMP and supplement it with additional criteria developed in the proposed plan.

Disposal Criteria Developed as a Result of the Plan Amendment

In addition to the criteria identified in Appendix 3, the following standards will be applied to

each proposal. (See Table 1 below to see how the existing and new disposal criteria affect each tract.)

1. Where parcels have historic structures and existing leases to not-for-profit groups to manage the buildings, BLM will encourage the proposed land owner to continue these management arrangements after the lands are transferred. Conveyance instruments (deeds, patents or leases) for these sites will contain provisions to ensure that historic buildings continue to receive protection under the National Historic Preservation Act of 1966, as amended (NHPA).
2. All applicable Federal, State and local laws, plans and policies will be followed with respect to protection of threatened and endangered wildlife and plant species, historic preservation, Native American religious concerns, hazardous materials, and archaeological resource protection. All consultations and reviews required by law will be conducted when BLM reviews specific applications and prepares the environmental assessments.
3. Applications for the Cana Island lighthouse property shall address the transportation, parking and access issues raised during scoping. Specifically, applicants will need to describe how traffic and parking impacts will be mitigated. This will be required for all Recreation and Public Purposes Act plans of development or withdrawal applications.

BLM will not specify any particular means to reach this objective. Instead, BLM will work with the local community and applicants to ensure that tourist access to Cana Island lighthouse does not contribute any undue or unnecessary impacts to the neighborhood or surrounding area.

4. A major objective of this plan is to enable BLM managers to approve reasonable and rational land tenure adjustments. In some cases this means that certain properties would be transferred to a governmental entity, while in others it may mean the land would be available for public sale. BLM will take into account access, environmental consequences, economic costs and benefits, and other site-specific issues before making decisions regarding individual parcels.
5. BLM cannot accept properties that contain toxic materials or other hazardous wastes. Two lighthouse properties – Plum Island and Pilot Island – are known to be contaminated.² The Coast Guard has scheduled clean-up efforts for these properties in 2003. Lands that cannot be decontaminated within a reasonable time period, pose problems for other resource values, such as historic buildings that deteriorate without adequate maintenance. Because contaminated lands cannot be determined suitable for return to the public domain and

²/ Cana Island has minor groundwater contamination. The Wisconsin DNR has recommended to the Coast Guard to accept a “groundwater use restriction” on the deed that goes with the land in lieu of remediation. As of the date of publication of this plan, the Coast Guard has yet to decide whether to accept the use restriction or proceed with a clean up of the site.

disposition under the general land laws, BLM may notify the Coast Guard to report the properties instead to the General Services Administration for disposal.

Table 1. Disposal Criteria.

County/ Parcel Name	Goals/Objectives for Parcel	Resource Objectives	Procedural Requirements	Appropriate Disposal Method(s)
Bayfield County				
<i>Perry Lake</i>	Eliminate scattered tracts Improve land ownership patterns	Protect natural and cultural resources	All applicable consultations under Federal law (see Note 1) Appraisal (for public sales only)	Recreation and Public Purposes Act lease or sale (R+PP) Color-of-Title Act sale FLPMA sale
<i>Lake Osborn</i>	Eliminate scattered tracts Improve land ownership patterns Eliminate in-holdings w/out legal access	Protect natural and cultural resources	See Note 1 Appraisal (for public sale only)	FLPMA sale

County/ Parcel Name	Goals/Objectives for Parcel	Resource Objectives	Procedural Requirements	Appropriate Disposal Method(s)
Door County				
<i>Cana Island</i>	Maintain/restore historic resources Minimize off-site impacts Contribute to local economy Improve access w/out significant off-site impacts Transfer property to qualified long-term manager	Protect endangered or special status plant and animal species Minimize impacts to fisheries Preserve historic resources	Transportation/access plan See Note 1	Withdrawal R+PP BLM-retained site (See Note 2)
<i>Eagle Bluff</i>	Maintain historic resources Continue to be an integral part of Peninsula S.P. Transfer property to qualified long-term manager	Interpret maritime and Wisconsin history Preserve historic resources	See Note 1	R+PP
<i>Pilot Island</i>	Protect public safety	Protect endangered or special status plant and animal species	See Note 1	R+PP Withdrawal BLM-retained site (See Note 2)
<i>Plum Island</i>	Restore/maintain historic resources Transfer property to qualified long-term manager	Protect natural and cultural resources Preserve historic/cultural resources	See Note 1	Withdrawal R+PP BLM-retained site (See Note 2)

County/ Parcel Name	Goals/Objectives for Parcel	Resource Objectives	Procedural Requirements	Appropriate Disposal Method(s)
Langlade County				
<i>Lower Bass Lake</i>	Eliminate scattered tracts Improve land ownership patterns Eliminate in- holdings w/out legal access Proposed use in conformance with local zoning requirements	Protect natural and cultural resources	See Note 1 Appraisal	FLPMA sale BLM-retained site (See Note 2)
Oneida County				
<i>Lily Lake</i>	Eliminate scattered tracts Improve land ownership patterns	Protect natural and cultural resources	See Note 1 Appraisal	R+PP BLM-retained (See Note 2) FLPMA sale
<i>Pickarel Lake</i>	Eliminate scattered tracts Improve land ownership patterns	Protect natural resources	See Note 1 Appraisal	R+PP BLM-retained site (Note 2) FLPMA sale
Vilas County				
<i>Big Lake</i>	Eliminate scattered tracts Improve land ownership patterns Eliminate in- holdings	Protect natural resources	See Note 1 Appraisal	R+PP BLM-retained site (Note 2) FLPMA sale

County/ Parcel Name	Goals/Objectives for Parcel	Resource Objectives	Procedural Requirements	Appropriate Disposal Method(s)
Waupaca County				
<i>Clintonville</i>	Eliminate scattered tracts Improve land ownership patterns	Protect natural resources	See Note 1 Appraisal	R+PP FLPMA sale

Table 1. Disposal Criteria.

Note 1: Including consultations under Sec. 7 of the Endangered Species Act and Sec. 106 of the National Historic Preservation Act, and clearances required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended. This list is by no means inclusive; other reviews, consultations and clearances may be required on a site-specific basis.

Note 2: This indicates a possible (legal) disposal option. BLM will not, as a general rule choose the option of retaining parcels unless no other appropriate entity will accept jurisdiction or through a site-specific analysis it is determined that retention would better fulfill the management objectives for the parcel.

How this Plan is Affected by Other Plans, Programs and Policies

BLM reviewed the following plans, policies and programs of other State, Federal, Local agencies to ensure that the proposed plan is consistent to greatest extent possible with these entities mandates.

U.S. Fish and Wildlife Service

The USFWS manages three islands off the Door Peninsula as units of the National Wildlife Refuge (NWR) System. These units include Gravel Island NWR and Green Bay NWR (Spider and Hog Islands).

The USFWS is responsible for the protection of endangered plant and animal species under Section 7 of the Endangered Species Act of 1973, as amended. BLM consulted with the FWS during the preparation of the proposed plan, as well as the Wisconsin Department of Natural Resources, Bureau of Endangered Resources, to identify all listed and potentially eligible species that may be affected by BLM's actions. The results of these contacts can be found in Chapter Three — Affected Environment in the listings for each tract.

Native American Tribal Concerns

None of the parcels are within recognized tribal reservation boundaries. To gain a better understanding of the possible nature and extent of the use by Native Americans, BLM wrote to Tribal leaders and tribal historic preservation officers in June and July, 1999, and followed up with telephone calls to these individuals. This effort revealed no additional information regarding Native American religious sites, ceremonial sites or treaty rights. Additional consultation with Federally-recognized tribes will take place on a case-by-case basis.

State Agencies

BLM consulted with several state agencies during the preparation of the proposed plan to ensure that we were consistent, to greatest extent possible with the plans and policies of the state. These plans and policies include the Wisconsin Coastal Management Program, State Forest Plans and the Grand Traverse Islands State Park plan.

The State Historical Society of Wisconsin (SHSW) has indicated that the Door County islands — Cana, Plum and Pilot — may have archaeological resources that could make the properties eligible for listing on the National Register of Historic Places. In order to protect potentially eligible archaeological resources, BLM will require Phase II evaluations of these properties prior to transfer, as required by Section 106 of the National Historic Preservation Act of 1966, as amended.

The State Department of Commerce recently revised its rule regarding private on-site sewage treatment facilities. The rule, known as Comm 83, deals with the design, construction, operation and maintenance of onsite sewage systems (DOC 1998). Comm 83 was scheduled to be effective July 1, 2000, but has been delayed as a result of a lawsuit filed by environmental groups and some local communities. The revised change, if implemented, may alter the types of development which could occur on the parcels included in this plan. For example, soil conditions on some of the tracts have not in the past supported on-site sewage systems, but may when Comm 83 becomes effective.

Municipal and County Governments

The Wisconsin Statutes give counties zoning authority. Of particular concern for the affected parcels are shore land setback standards, since most of the tracts are located along lakes. A general discussion of county zoning is found in Chapter Three — Affected Environment. Towns in the state also have some authority over land use (Wisconsin State Legislature, 1997). BLM will consult with the affected towns during the reviews of site-specific proposals.

Chapter Two – Alternatives

This chapter describes the three alternatives considered in the proposed plan. The alternatives were developed as a result of public input and BLM's legal obligations. BLM's preferred alternative is Alternative One. The alternatives present BLM managers with a reasonable range of options to consider.

Alternative One would transfer the lands to other Federal, state, or local government agencies, individuals or non-profit groups; Alternative Two would be the "no action" alternative required by NEPA; Alternative Three would retain the lands under BLM's jurisdiction and assumes an active management program.

As a result of the site-specific analyses, any one of the alternatives may be chosen. Certain exceptions could apply, as identified in Table 2, "Viability of Each Alternative by Parcel".

Description of Alternatives

ALTERNATIVE ONE – TRANSFER FROM BLM ADMINISTRATION

Under this alternative, BLM would lease or transfer out of its administration all of the affected parcels (see legal descriptions in Appendix 2). The method by which individual tracts would be transferred would depend on existing land status and natural resource protection goals for a particular parcel. The precise impacts will be analyzed in site-specific environmental assessments that will be prepared for each parcel. The general impacts will be outlined in Chapter Four — Environmental Consequences.

Lighthouses

Alternative One would allow BLM to consider any method of transfer except FLPMA Sec. 203 sales. BLM could issue leases to the State or local governments, not-for-profit groups to manage the lighthouses and surrounding lands. BLM would remain as the landowner. Leases could be revoked in the event of non-compliance with the terms of the R+PP development plan.

If the properties are leased or patented under the R+PP Act or withdrawn for another Federal agency, they could be managed cooperatively with historic preservation groups under licenses issued by the new land manager. Roles and responsibilities for each party will be delineated in the R+PP development plan or the reports required of withdrawal applicants in accordance with 43 CFR 2310 et seq., as applicable.

Upland Tracts

These tracts could be transferred to other non-Federal governmental entities or not-for-profit groups under the R+PP Act, to another Federal agency through withdrawal or sold to private

individuals. The tracts would have to have legal access to be transferred to any individual or entity. No preference would be given to adjacent landowners, although the tracts with no legal access could not be sold to other individuals or governmental or non-governmental entities.

BLM may use the exchange provision in FLPMA (Sec. 206) if it would enhance opportunities for resource protection, reduce fragmented land ownership patterns or further improve the goals and objectives of the plans and policies of Federal, State or local governments.

Class I color-of-title act claims, which are considered non-discretionary actions, are not affected by the proposed plan. These parcels will be adjudicated, and sold if the claimants meet all procedural requirements of the act. BLM has the discretion to reject Class II color of title claims to protect natural or cultural resources. These lands could be made available to other governmental or non-governmental entities under the R+PP Act. Federal agencies may apply for the lands through the withdrawal provisions of FLPMA, Sec. 204.

The merits of public sales to any applicant will be made on a case-by-case basis. The decision to sell the property is fully discretionary on the part of BLM and no equity is implied by considering sales to rejected COT claimants.

ALTERNATIVE TWO – NO ACTION

The Council on Environmental Quality (CEQ) regulations require that Federal agencies consider an alternative in which the status quo is maintained. Under the no action alternative, the properties would remain under BLM jurisdiction and receive custodial management, which is defined as holding the property but not developing active management programs or authorizing significant uses of the land. Examples of uses that could not be considered or approved include special use permits, rights-of-way applications or other temporary use authorizations, except under emergency circumstances.

Lighthouses

The no action alternative assumes that BLM has accepted administrative jurisdiction over the lighthouse properties from the U.S. Coast Guard by publishing public land orders in the Federal Register. (See 43 CFR 2370 et seq. for a description of the revocation/restoration process which determines the suitability of withdrawn public domain for return to management under the public land laws. The suitability determination process is categorically excluded from NEPA. It is assumed that unsuitable properties will be analyzed by the General Services Administration prior to final disposition of the tracts.)

BLM could not undertake an active management program for the lighthouses because it is not authorized to do so under the terms of this alternative. The lighthouses would be closed to the public, the grounds would not be available for camping or day use, and interpretative programs could not be developed and implemented. Emergency repairs to buildings could be approved, but only to protect human health and safety. All current third-party licenses would be canceled.

Upland Tracts

Under this alternative, BLM would provide only minimal attention to the lands. The sites would be posted for no trespassing. BLM could not authorize rights-of-way, camping or day use, or other activities which may affect the resources. BLM would not process class 2 color-of-title claims, which are discretionary actions.

ALTERNATIVE THREE – RETAIN/ACTIVE BLM MANAGEMENT

Lighthouses

BLM would prepare an implementation (activity) plan to describe and analyze the impacts of intensive use of the land. Maintenance and operation of the properties could be performed by BLM or through third-party licenses. Individual project plans and environmental assessments would be prepared for each site to analyze management, budgetary and activity actions that would be required for each of the properties. The public would be invited to participate in the development of the plans.

Upland Tracts

BLM would retain the lands for color-of-title claims that have been rejected for resource protection reasons or those which did not qualify under the act. BLM would develop site-specific activity plans and NEPA analyses for each tract. A management program for each parcel would be developed in accordance with BLM's planning regulations and NEPA. The public will be invited to participate in developing these plans.

Possible uses of the parcels includes camping, open space preservation, access to public water bodies, or other temporary land uses. If appropriate, some of these tracts could support construction of recreational or interpretive facilities. The impacts of these activities would be analyzed in a recreation activity management plan for each site.

ALTERNATIVES CONSIDERED BUT ELIMINATED FROM FURTHER ANALYSIS

Public Sale of All Properties

This alternative was eliminated from consideration because it could result in environmental impacts that could not be mitigated. It would be unlikely that natural and cultural resource values of all the properties could be protected adequately if the lands were to pass into private ownership. Some of the properties are appropriate for public sale and these situations will be analyzed in Chapter Four — Environmental Consequences.

Transfer of All Properties to the State of Wisconsin

This alternative was eliminated because it does not give BLM adequate discretion to manage the Federal land in the public interest as required by Section 102 of FLPMA.

Procedures Required to Implement Alternative One

BLM will adhere to the following statutory procedures before transferring any property:

6. Lands withdrawn for use by the U.S. Coast Guard (USCG) will continue to be under that agency's jurisdiction until BLM conducts site-specific analyses for each parcel and publishes public land orders revoking the withdrawals.

7. BLM will not accept any lands back into the public domain until all hazardous materials are removed or cleaned-up. In accordance with 43 CFR 2374(a), holding agencies must ensure that:

The lands have been decontaminated of all dangerous materials and have been restored to suitable condition or, if it is uneconomical to decontaminate or restore them, the holding agency posts them and installs protective devices and agrees to maintain the notices and devices.

8. BLM will consult with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act of 1973, as amended, and the Wisconsin Department of Natural Resources concerning the presence of State-listed special status species.

9. BLM will consult with the State Historical Society of Wisconsin, affected tribes and others to ensure that historic and cultural resources are protected. Where the State Historic Preservation Officer recommends site assessments for the lighthouse parcels, the lands will remain under the jurisdiction of the USCG until those assessments are completed. This will ensure that BLM can identify, evaluate and consider the nature and scope of any cultural and historic resources prior to committing to the transfer of any properties out of Federal ownership.

10. BLM will consult with all affected towns, counties and state agencies to ensure that BLM's actions will be consistent to the maximum extent practical with these entities' laws, policies, plans and zoning requirements.

11. BLM will retain wetland and riparian areas unless:
 - Federal, State, public and private entities have demonstrated the ability to maintain, restore and protect wetlands on a continuous basis; or
 - Transfer of public lands, minerals, and subsurface estates is mandated by legislation or Presidential order.

12. No utility corridors were identified in the proposed plan because the tracts are isolated. BLM will consider short, low impact rights-of-way on a case-by-case basis (e.g., utility lines to private lands). No designated right-of-way corridors, or avoidance or exclusion areas have

been identified in the proposed plan.

13. No lands will be made available for grazing, mineral location or mineral leasing because the tracts are unsuitable or uneconomic to manage for these uses.

14. No lands have been designated as areas of critical environmental concern (ACECs).

Procedures Required to Implement Alternatives Two and Three

In general, implementation of Alternative Two would not require any special procedures, other than for BLM to develop a plan for minimizing threats to human health and safety. Under the no action alternative, BLM could undertake only minimal activities to protect human health and safety but could not approve more active management actions.

Under Alternative Three, BLM would undertake more aggressive management of the properties requiring additional site-specific planning and environmental assessments. Virtually the same studies and consultations as Alternative One would be required, including those required under the Endangered Species Act and National Historic Preservation Act. If Cana Island is retained, BLM would prepare a transportation plan to analyze options for transporting people and goods into and out of the area.

Possible Methods of Transfer

The following section describes the legal authorities available to BLM to transfer the properties. Not all of the authorities apply to each parcel. Consult Table 2 on page 15 for a description of the disposal methods appropriate to each tract.

Recreation and Public Purposes (R+PP) Act Transfers

Transfers made under the R+PP Act (patent or lease) have the following general procedural requirements:

- State, counties and municipalities and non-profit corporations or associations may apply for land for any recreational or public purpose;
- Applicant prepares a management and development plan which describes how the land will be managed. BLM approves or rejects development plan;
- BLM publishes a Notice of Realty Action and classification order in the Federal Register and local newspapers to classify the land as suitable for R+PP lease or sale and to give the public an opportunity to comment on the proposal; and
- BLM approves application and issues patent (or renewable lease). Leases are subject to an annual rental. If a proposal fails to meet BLM's requirements (either regulatory or those set forth in this plan), it can be rejected.

BLM will conduct annual compliance examinations to ensure that the lessee continues to meet the terms of the development plan. Compliance examinations would be conducted every five

years on R+PP-patented lands. BLM will notify the patent holder (or lessee for leased lands) of problems in the management of the property and will give the lessee an opportunity to correct the problems. If the defects are not corrected, title will revert to the United States or the lease will be revoked. If a patent holder attempts to sell property acquired under the R+PP Act, title will revert automatically to the United States.

Table 2. Viability of Each Alternative by Parcel.

County/ <i>Parcel Name</i>	Alternative One: Transfer	Alternative Two: (No Action) BLM Custodial Management	Alternative Three: Active BLM Management
Bayfield			
<i>Perry Lake</i>	Y	Y	Y
<i>Lake Osborn</i>	Y	Y	N
Door			
<i>Cana Island</i>	Y	N	Y
<i>Eagle Bluff</i>	Y	N	Y
<i>Pilot Island</i>	Y	N	Y
<i>Plum Island</i>	Y	N	Y
Langlade	Y	Y	N
Oneida	Y	Y	Y
Vilas			
<i>Big Lake</i>	Y	Y	Y
<i>Pickrel Lake</i>	Y	Y	Y
Waupaca	Y	Y	Y

Table 2. Viability of Each Alternative by Parcel.

Withdrawals

The authority to withdraw land from operation under the public land laws is found in FLPMA Sec. 204. The withdrawn lands can be used by other Federal agencies for a period usually not to exceed 20 years. Agencies can apply for extensions to withdrawals prior to the end the withdrawal period.

In applying for withdrawals, Federal agencies must follow the regulations at 43 CFR 2310.1, which require that agencies consult with BLM to determine:

- The need for a withdrawal;
- The extent to which the lands must be segregated; and

Which, if any, studies, public meetings and negotiations should be scheduled to determine environmental impacts and to inform the public about the proposed withdrawal.

The final action is publication of a public land order in the Federal Register.

Federal Land Policy and Management Act (FLPMA) Public Sales

Public sales are authorized by FLPMA, Sec. 203. BLM would entertain proposals for land sales if the sale would meet the requirements of the disposal criteria found in FLPMA and in the proposed plan. Some parcels may be offered for sale to private groups or individuals if no public sector agency is willing to assume ownership or if there is no legal access to the parcel. The usual reason for public sale is to allow adjacent land owners to purchase land that they were unable to acquire through the Color-of-Title (COT) Act.

BLM will notify the public of tracts available for sale in the Federal Register and in local newspapers. Tracts may be sold either by direct sale or competitive bidding. BLM will prepare an environmental assessment before a decision is made to offer a tract for sale. All applicable reviews and consultations will be conducted prior to sale of the tracts.

Color-of-Title (COT) Act Land Sales

History of COT Parcels

Lands conveyed to the newly-created State of Wisconsin in 1848 had to be first surveyed by the Federal government prior to patent. Some tracts were missed in the surveys and did not, in fact, leave Federal ownership. Over the years, these tracts were thought to be patented and have changed owners many times. In recent years, these remnant Federal parcels have been discovered and surveyed by BLM. The present-day occupants of the lands have the opportunity to acquire the tracts from BLM under the COT Act.

Procedures under the COT Act

There are two “classes” of claims: Class 1, in which the claimant must prove “good faith and in peaceful adverse possession” for more than 20 years. The land must contain valuable improvements. Class 2, in which the present day owner, [his] ancestors or grantors can prove a claim or color-of-title for the a period commencing no later than January 1, 1901, to the date of application. Class 1 claims will be approved if the claim is proven. That is, the claims are non-discretionary on the part of BLM.

Class 2 claims may be rejected to protect natural or other sensitive resources, or if a claimant cannot meet the procedural requirements of the COT Act. An example of resource protection would be the presence of a threatened or endangered species or a resource eligible for inclusion on the National Register of Historic Places or other cultural resource protected by Federal law. BLM will determine which, if any, resources meet this standard in the site-specific EA prepared

for each parcel.

Exchanges

BLM may exchange land with other entities under Sec. 206 of FLPMA. Through exchanges, it may be possible to simultaneously meet the goals of transferring lands out of BLM ownership, protect natural or cultural resources and improve land ownership patterns.

Chapter Three – Affected Environment

Introduction

This chapter generally describes the natural and cultural resources that may be affected by implementing any of the alternatives. Because it is not known precisely at this time how the lands will be managed, only a brief discussion of the natural and human environment will be presented. When BLM receives applications by prospective owners, it will become clearer what portions of the environment will be affected. At that point, BLM will prepare a site-specific environmental assessment outlining potential impacts and mitigation measures.

Regional Geographic Setting

The parcels affected by the proposed plan are located in six northern Wisconsin counties: Bayfield, Door, Langlade, Oneida, Vilas, and Waupaca (See Map 1). Because of the scattered nature of the properties, it is more appropriate to discuss the affected environment in general terms.

Wisconsin's landscape has been modified by ice and water over the millennia. The glaciers which carved the Great Lakes left behind a landscape filled with thousands of smaller lakes and low rolling hills and plains. Intensive uses of the land include forestry, mining and farming.

The most visible remnants of the glaciers are the Great Lakes themselves. Countless other natural features remain: drumlins, eskers, terminal and lateral moraines, outwash plains and coastal bluffs. Glaciers have created a landscape of low rolling hills, poorly-drained soils and many small lakes.

Northern Wisconsin's climate varies depending on the proximity to Lake Superior and Lake Michigan. Lands closer to the Great Lakes are generally warmer and snowier in the winter and cooler in the spring and summer. The lakes also moderate autumn temperatures. Lands away from the lakes' moderating influences are hotter in the summer, but have somewhat shorter growing seasons. These climatic variances influence vegetation (grasslands to mixed maple-beech hardwoods to northern boreal forests), animal species distribution, agricultural opportunities and recreational pursuits.

Climatic records show that for the affected parcels annual precipitation ranges from 28 to 32 inches. Mean temperatures range from 8.9° F. in January and 67° F. in July in Antigo. On Washington Island in northern Door County, mean temperatures range from 17.4° F. in January to 66.5° F. in July. The growing season averages 89 days in Gordon (near to the Perry Lake parcel) to 142 days on Washington Island (near Plum and Pilot Islands).

The state has over 5 million residents, with the majority located in Milwaukee, Madison, Green Bay and Racine/Kenosha. The state is home to many large manufacturing, finance

and insurance companies. Farming is still a significant element to the state's economy.

Wisconsin is a major recreation and tourist destination, especially for visitors from the Chicago area. In the 20th Century, many families have found rural Wisconsin to be ideal for recreational cottages. Many of these cottages can be found in the state's northern lake region. Many people, especially those from the densely populated Milwaukee-Chicago corridor, have also flocked to the Door Peninsula in northeastern Wisconsin. Over the past twenty years, Door County has undergone a rapid change from largely rural to becoming a major tourist destination.

Geology and Mineral Resources

This section will give readers an understanding of the source material for the present day landscape of the region and the potential for economically valuable minerals. This section is not an endorsement of the mineral value of any particular parcel. BLM will prepare a more detailed geologic review as is warranted in the site-specific environmental assessments. The Federal government will retain the mineral rights in the transfers to any non-Federal agency or private sale. Sale of the subsurface estate can be considered in FLPMA, Section 209 sales.

Wisconsin's surface geology is dominated by the remnants of glaciers that scoured the land surface more than 10,000 years ago. At their greatest extent, glaciers covered more than two-thirds of the state. As the glaciers melted, they retreated northward, leaving behind the rock and soil scoured from other areas. These materials formed an unconsolidated mantle over the bedrock, consisting of sediments such as clay and silt, sand, gravel and boulders.

The thickest accumulations of glacial material, known as terminal moraines, were left along the glacial fronts. Terminal moraines consist of unsorted rocks pushed ahead of an ice sheet much as a bulldozer pushes earth in front of its blade. Moraines form curved ridges which mark the greatest extent of the ice sheets. Behind the terminal moraines, till or ground moraine consists of material carried within or atop the ice sheet. Glacial features such as kames, eskers and valley train deposits consist of material sorted by running water and emplaced beneath, along or in front of the retreating ice sheet. These features can be valuable sources of sand, gravel and other rock materials.

The geologic characteristics of the six counties affected by the proposed plan can be grouped into areas with similar physical characteristics, structure, and origin, sometimes referred to as terranes.³ A general description of these terranes in the planning area follow:

Bayfield County: This northern Wisconsin county is underlain by sedimentary and volcanic

³ An extensive discussion of terranes, is beyond the scope of this report. Readers seeking detailed information are referred to the various maps and publications produced by the University of Wisconsin - Extension, Wisconsin Geological Survey.

rocks of the Mid-Continent Rift. Similar rocks along the Keweenaw Peninsula to the northeast in Michigan's Upper Peninsula are famous for the native copper and associated silver deposits. Although the Keweenawan trend in Wisconsin has been intensively explored, no deposits of economic significance have been discovered. The volcanic rocks are underlain by igneous intrusive rock, which has been explored for copper, nickel and platinum group metals. To date, no economic deposits have been discovered.

Door County: The Door County peninsula is underlain by Silurian dolomite, with little glacial cover. Mineral deposits are unknown, and gravel development is subordinate to local surface uses.

Northern Langlade, Oneida, Vilas Counties: These counties are covered by thick glacial deposits. The bedrock underlying this glacial material is nearly 2 billion years old and consists of metasediments (Vilas County) and metavolcanics (Oneida County, northern Langlade County). Metasediments are known to host iron deposits, while massive metallic sulfide deposits similar to the Crandon copper deposit are being explored in the metavolcanic areas. The Wisconsin iron formations are no longer of economic interest. (Note: Evaluation of the Crandon mine is a state function; BLM has no authority whatsoever in this mining proposal.)

Southern Langlade County, Northwestern Waupaca County: The bedrock in these areas consists of the 1.5 billion year old "Wolf River" batholith, a quartz monzonite body of great size. Exploration in the area has not revealed important mineral deposits, although interesting mineral occurrences have been found. The rural nature of the area and the thick glacial cover make sand, gravel, crushed stone development local in nature.

Southeastern Waupaca County: Bedrock consists of Cambrian sandstone and dolomite. Mineral deposits are not present, but some local gravel development may occur.

None of the parcels are considered valuable for fluid (oil and gas) minerals.

Soils

Soils for the affected parcels vary significantly. The effects, if any, on soil resources will be discussed in more depth when BLM conducts site-specific environmental assessments.

Water Resources

Surface and groundwater resources on or near or beneath the affected properties will be discussed as appropriate in site-specific environmental assessments prepared for each realty action that will be taken after this plan is approved.

Air Quality

Existing air quality in the areas affected by this proposed plan is generally considered good. Recent studies have indicated that Door County has experienced a dramatic increase in ozone levels to the point where the Federal standard for this pollutant has been exceeded several times during recent summers.

None of the properties is within either Prevention of Significant Deterioration (PSD) Class I or II areas. No air quality monitoring stations are located near to any of the properties, so it is impossible to know precisely the level of airborne pollutants. Reviews will be conducted for each property to determine air quality impacts that may arise from the specific proposed uses of the lands.

Coastal Zone

Under the Coastal Zone Management Act (CZMA) of 1972, BLM is required to ensure that its actions are consistent, to the maximum extent possible, with the State's coastal management plan. Because the Door County properties are within the State's coastal management zone, BLM will consult with the Wisconsin Coastal Management Program after site-specific applications are received to ensure Federal consistency.

Historic and Archaeological Resources

Prior to exploration and settlement by Europeans, the land was used extensively by Native Americans. The major tribes include the Menominee, Ojibwa, Chippewa, Ho-Chunk, Potawatomi, and Oneida. These people used some of the properties affected by the proposed plan. BLM requested that the State Historical Society of Wisconsin (SHSW) review all of the affected parcels for the presence of historic or archaeological resources. The SHSW reported that the Door County island properties (Plum, Pilot and Cana Islands) are in a region known to have been used intensively by Native Americans. Village and garden sites and burial grounds are examples of the types of sites that may be present on these parcels.

The SHSW recommends that a qualified archaeologist survey the tracts to locate and evaluate the significance of archaeological sites that may be present prior to transferring the lands out of Federal ownership (Banker, pers. comm. 1999). These surveys would not be required if the lands are transferred to other Federal agencies.

The Plum Island and Pilot Island properties have shipwrecks lying just off-shore. Together, the historical and archaeological resources may make Plum Island, and possibly Pilot Island, eligible as historic districts under the National Historic Preservation Act.

Wetlands/Riparian Resources

Executive Order No. 11990 ("Protection of Wetlands") provides opportunity for early review of Federal agency plans regarding new construction in wetland areas. It also urges all Federal agencies to avoid supporting, assisting, or financing new construction in wetlands unless

there is "no practicable alternative." Executive Order No. 11988 ("Floodplain Management") directs Federal agencies to take floodplain management into account when formulating or evaluating water or land use plans. It is applicable to wetlands protection because of the strong interrelationship between wetlands and floodplains (USFWS 1999).

BLM will abide by the provisions contained in these executive orders when analyzing the impacts of site-specific proposals.

Native American Tribal Concerns

BLM contacted the tribal leaders and historic preservation officers from thirteen Native American tribes to discuss BLM's process for determining the disposition of the affected lands. During this consultation no additional information regarding archaeological or cultural resources was discovered. BLM will contact the tribes again prior to taking site-specific action on the tracts.

Economics

Wisconsin has gross state product in excess of \$300 billion and each affected county generates upwards of \$500 million in goods and services. Given the effects of any decision involving these properties are too small to measure, there will be no description of economics in the proposed plan. Furthermore, impacts would be related to the type and level of development proposed by prospective land managers, which is unknown at this time. Therefore, because of the site-specific nature of economic effects, if any, their analysis will be deferred to the individual environmental assessments.

Environmental Justice

Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," focuses Federal agencies' attention on the human health and environmental conditions in minority and low-income communities. It requires Federal agencies to adopt strategies to address environmental justice concerns within the context of agency operations. The order is intended to offset the increasing incidents of adverse environmental impact affecting communities which have neither the financial nor the political power to oppose the development which caused it.

A review of U.S. census tract data revealed no minority or low income communities located near the affected parcels.

Reasonably Foreseeable Future Development

Development will vary, depending on who would own a particular parcel. Site-specific plans that accompany individual applications will outline future development of each property. Each proposal will be evaluated against the disposal criteria identified in Chapter Two — Alternatives. BLM will work with applicants to ensure that their proposals meet the standards set in the disposal criteria. BLM will reject plans of development that cannot or will not be amended to protect sensitive resources.

Local Zoning

All but one of the parcels affected by the plan are located adjacent to inland lakes or Lake Michigan. Thus, any future development will be guided and somewhat restricted by shoreland and other zoning ordinances issued by the affected counties. These ordinances generally protect resources by placing setbacks along the shorelands anywhere up to 300 feet from the ordinary high water mark. The ordinances also set specific minimum lot sizes and restrict the cutting of vegetation along lakeshores.

All of the counties have zoning ordinances under authority granted by the State. Counties have zoned the lands within their borders for appropriate use. Prior to approval any discretionary transfer, BLM review the county zoning maps and ordinances to ensure that the proposed disposal conforms with the ordinances.

Parcel Descriptions and Resources by County

BAYFIELD COUNTY

Bayfield County is located in the northwestern part of the state. It is bordered by Douglas, Ashland, and Sawyer Counties, to the west, south and east, respectively. A portion of the northeast part of the county abuts Chequamegon Bay in Lake Superior. Washburn is the county seat. Bayfield is one of Wisconsin's least populated counties with 15,000 residents. The county's economy is based upon the retail trade, manufacturing and agriculture industries.

The Perry Lake property is located two miles south of the Chequamegon National Forest (managed by the USDA, Forest Service) and two miles west of the St. Croix National Scenic Riverway (managed by the National Park Service). The Lake Osborn tract is three miles west of the National Forest boundary and is located within the Town of Grandview.

The State of Wisconsin also manages parks and forests within the county. The Red Cliff Band of the Chippewa Indians reservation is located along the shores of Lake Superior in northern Bayfield County.

Perry Lake: Township 43 North, Range 7 West, Section 17, Lot 11, (16.27 acres) is located in the Crestview Acres Subdivision one-mile northwest of the Town of Cable (Map 2). The 16.27-acre tract has been further subdivided into several lots, which have been considered private land for decades. In 1980, BLM determined that the land never left Federal ownership, thereby creating title conflicts for the permanent residents living there. None of the individuals qualified under the Color-of-Title Act and their claims have been rejected.

Adjacent land use includes farms, residences and recreation.

There are no known hazardous materials located on the tract. Endangered plant and animal species are known to occur in Bayfield County. These include the bald eagle (federally-listed as threatened), the gray wolf (federally-listed as endangered) and Fossett's locoweed (federally-listed as threatened).

Lake Osborn: Lots 8-12, Township 45 North, Range 6 West, Section 33, (62.3 acres) are located in the Town of Grandview in east-central Bayfield County (Map 3). At one time, the tracts were under Color-of-Title Act applications, which were rejected. These low-lying and often wet parcels do not have legal access and are surrounded by private land.

There are no known hazardous materials located on the parcel.

DOOR COUNTY

This peninsula is bounded by Green Bay on its west, Lake Michigan to the east and Portes des Morts (Death's Door) Passage. It is made up of rolling hills and farmland in the interior

sections and limestone bluffs along the shorelines.

Door County has 27,000 year-round residents. Tourism boosts population significantly in the summer. Sturgeon Bay, the county seat, is home to over 9,000 people. The top industries in Door County are tourism, retail, manufacturing and construction.

The State maintains several park units in the county and several natural area designations. The four affected parcels are located in northern part of the county.

BLM consultation with the US Fish and Wildlife Service under the Endangered Species Act revealed that several plant and animal species are known to occur in Door County and may use one or more of the parcels in the county. The species known to occur in Door County include the bald eagle, peregrine falcon, dwarf lake iris, Pitcher's thistle and Hine's emerald dragonfly (USFWS 2000).

According to the Wisconsin Sea Grant Institute, there are almost 100 species of fish in Lake Michigan. Lake Michigan is a volatile ecosystem; some species reported from the 1960's have disappeared, and other species which now occur were not reported in the 1970's (Paul Peters, Wisconsin DNR, personal communication, June 5, 2000, and Wisconsin Sea Grant website: <http://seagrant.wisc.edu/communications/publications/fish/framefish.html>).

Fisheries of Green Bay

Resident fish species utilizing the shoreline areas of the Green Bay side of the Door County Peninsula include smallmouth bass, rock bass, yellow perch, pike, walleye, darters and minnows.

Fisheries of Lake Michigan

Fish occurring in the open waters of the Lake Michigan side of the Door Peninsula include trout and salmon species and trout and salmon-like species (coregonids) e.g., chub, lake herring, whitefish and round whitefish.

Cana Island: Township 30 North, Range 28 East, Section 11, Tract 37, (9.06 acres). Cana Island is located two miles northeast of Baileys Harbor (Map 4). In recent years, a 500-foot long gravel causeway built around 1917 has been uncovered by lowering lake levels. In some years water depth on the causeway has been up to four feet (public comment, Baileys Harbor workshop, April 1999).

Originally built in 1869, the Cana Island Light was encased in steel in 1901. The lighthouse is listed on the National Register of Historic Places. The State Historical Society of Wisconsin has found no evidence of archaeological potential, either historic or prehistoric on the island (SHSW 1976).

People driving to the area park along Cana Island Road or nearby on Bues Point Road. In 1999, up to 33,000 people visited the island (Gast, pers. comm.) It is unknown how many other visitors go to the end of the road to view the lighthouse or visit after hours. Cana

Island Road is the state-designated Rustic Road 38. The surrounding neighborhood is made up of summer cottages and year-round homes. The State of Wisconsin recently purchased land in the area as part of a natural area designation.

Five state special status plant species of concern are found on Cana Island (BER 1999):

Parnassia parviflora (Small-flowered grass-of-parnassus), which is also listed as endangered in the state;

Calypso bulbosa (Calypso orchid);

Calamintha arkansana (low calamine), which may now only occur along Lake Michigan;

Gentianopsis procera (Small fringed gentian); and

Primula mistassinica (Bird's eye primrose).

There are no known contaminants on-site. The Wisconsin DNR has recommended that a groundwater use restriction be placed on any deed running with the property (DNR 1999). As of the date of publication of the proposed plan, the Coast Guard has yet to respond to DNR's recommendation.

Eagle Bluff: Township 31 North, Range 27 East, Section 17, NW Fractional Corner; (1.0 acre (Map 5)). One of the first lighthouses in Door County, the Eagle Bluff Lighthouse was built in 1868. This combined lighthouse/keepers quarters is listed on National Register of Historic Places and is considered of local significance.

This lighthouse is located in Peninsula State Park on Green Bay. There are several small restored outbuildings on the property. A parking lot is adjacent to the property which is maintained by the State Park. Given that the lighthouse is within a state park, adjacent land uses are confined to recreation and natural resource protection. The site receives tens of thousand of visitors annually. The site has been maintained by the Door County Historical Society under license from the Coast Guard since the early 1960s.

One State plant species of concern – *Adlumia fungosa* (Allegheny vine) — occurs near the lighthouse in Peninsula State Park. The plant favors rocky and burned over habitats (DNR, 1999). Because the grounds at the lighthouse are landscaped, it is unlikely that this species exists on the site.

There are no known hazardous materials located on the property.

Plum Island: Township 33 North, Range 29 East, Section 26, Lots 1&2; Section 27, Lots 1, 2, and 3 (325 acres (Map 6)). Located in Porte de Morts Straits, this low-lying island lies just south of Washington Island. It was used as the Coast Guard's northern Door lifesaving station until the early 1990s, when the island was abandoned in favor of Washington Island. The rear range light is still operational and is listed on the National Register of Historic Places. Other buildings include the original lighthouse keepers quarters, a fog signal building, the Coast Guard station, a dock and boat house, and the front and rear range lights. The island also has electric and telephone lines crossing it.

The 65-foot tall rear range light was built in 1897 and is sheathed in steel. It still contains the original Fourth Order Fresnel lens. The keeper's quarters, located adjacent to the light, is a brick structure built in 1900. It has recently been re-roofed by the Coast Guard to prevent additional damage to the interior floors and foundation.

The Coast Guard station accommodated the radio, mess and personnel housing functions of the lifesaving station. Although this building is not listed on the National Register, the island contains other cultural and archaeological resources, which may make the entire island eligible as an historic district (SHSW 1999).

The island supports a healthy white tail deer population, which has decimated some of the vegetation. The island is home to the following special status species:

- Adlumia fungosa* (Allegheny vine);
- Orobanche uniflora* (One-flower broomrape), which prefers mesic woods;
- Some rare or endangered birds species use the island occasionally, but not for nesting or breeding purposes (BER, 1999).

Plum Island contains a number of State-designated sensitive natural community types, which include:

- Moist cliff community*, consisting of dolomite cliffs along the shore;
- Great Lakes beach community*, which consists of undisturbed cobblestone beach with rare and endangered plants species not found at other Great Lakes beaches;
- Northern wet-mesic forest community*, which consists of boreal forest predominately sugar maple; and
- Southern mesic forest community*, which consists of cedars in thin loamy soils on lake bluffs and in meadows (ibid).

Although the Coast Guard has removed all fuel storage tanks and other hazardous materials (fuel and lubricant barrels, batteries), some contamination remains. Clean-up is scheduled for 2003. It is likely that some or all of the buildings contain asbestos, although it is not known whether it can be stabilized (encased) or should be removed.

Pilot Island: Township 32 North, Range 29 East, Section 1, NENW, (3.2 acres). This small island is located in Lake Michigan three miles off the northern tip of the Door Peninsula (Map 7). It is home to hundreds of nesting cormorants and other marine birds. Its permanent dock was destroyed several years ago by storms and ice damage. The island has a combined lighthouse/keepers quarters building and an auxiliary structure which is nearly completely ruined by the elements.

Originally built in 1858, the Pilot Island beacon and fog signals served mariners faithfully for over a century. The light was decommissioned in 1962 (SHSW 1976). The island is rich in maritime history. During its active life, the island was often enshrouded in fog; the continual fog signal would curdle milk and destroy eggs in their shells. The living conditions drove some keepers mad and at least one took his own life (ibid).

Just off-shore from the island are several shipwrecks dating back to the 19th century (SHSW 1989). The wrecks have been catalogued and are quite popular with divers as the shoals are favorable to diving with all levels of experience. The State considers the area to be one of the most significant shipwreck sites in Lake Michigan.

The island has been largely denuded of vegetation as a result of the cormorant population. One State plant species of concern — *Adlumia fungosa* (Allegheny vine) — has survived the cormorant pressure and occurs on the island (BER, 1999).

LANGLADE COUNTY

Langlade County is located in the northeastern part of the state. The county seat is Antigo, a city with 8,000 residents and the county has approximately 20,000 residents. Retail trade, manufacturing and agriculture are the top employers in the county.

The bald eagle (federally-listed as threatened) and gray wolf (federally-listed as endangered) are known to occur in Langlade County.

Lower Bass Lake: Township 33 North, Range 10 East, Section 25, Lot 17, (1.18 acres). The parcel is a narrow 1.12-acre tract that borders Lower Bass Lake (Map 8). It is located in the Town of Upham, north of Antigo. The surrounding land is county-owned part forest preserve on one side and privately held on the other two upland sides. The parcel was owned by Langlade County until 1997 as part of a larger Recreation and Public Purposes (R+PP) Act conveyance completed by BLM in the early-1960s. The county returned the property to BLM by quit claim deed after it had been asked by an adjacent landowner to purchase the land. Since the county could not sell the parcel under the terms of the R+PP patent, it was returned to BLM for disposition.

The tract has legal (vehicular) access only for the two adjacent private landowners. No special status or threatened or endangered species are known to exist on the parcel (BER 1999). A bald eagle nest is located near the tract (USFWS 2000). Adjacent land use includes residential, forestry and recreation.

There are no known hazardous materials located on the parcel.

ONEIDA COUNTY

Located in the northern part of the state, Oneida County is home to 35,000 residents. Employment in the county is geared towards the retail trade, health services, manufacturing and construction industries.

The county has many lakes which yearly draw thousands of fishing enthusiasts and other vacationers. Many people use the county to snowmobile in the winter as well.

The county seat of Rhineland has 7,500 people. Oneida County is home to the Northern

Highlands-American Legion State Forest. The forest surrounds the parcels being considered in this proposed plan.

Lily Lake: Township 36 North, Range 8 East, Section 22, Lot 12, (32.47 acres (Map 9)). The parcel is bounded on the south and west by land held in trust by the State of Wisconsin (Paus 1999). The lake has a maximum depth of 26 feet and is home to muskellunge, northern pike, bass and panfish. There is no public access to the lake.

There are no known hazardous materials located on the parcel.

VILAS COUNTY

Situated on the border with Michigan's Upper Peninsula, Vilas County is home to over 21,000 people. Eagle River is the county seat with 1300 residents. Retail trade, construction and health services are the largest employers in the county.

The bald eagle, gray wolf, and Kirtland's warbler (federally-listed as endangered) are known to occur in the county.

Big Lake: Township 43 North, Range 6 East, Section 33, Lots 7 and 8, (56.23 acres (Map 10)). Big Lake is 850 acres in size and has a maximum depth of 65 feet.

The USFWS notes that two eagle nests are located near this tract within the American Legion-Northern Highlands State Forest. The Service further notes that the nests would be protected under DNR bald eagle management guidelines.

Pickerel Lake: The parcel is described as Township 40 North, Range 9 East, Section 4, Lots 8 and 9; (63.66 acres (Map 11)). The lake is nearly 300 acres in size and has a maximum depth of 26 feet. Common fish species for both Big Lake and Pickerel Lake includes muskellunge, northern pike, walleye, bass, and panfish.

There are no known hazardous materials located on either of the parcels. No endangered, threatened or special concern species or natural communities are known to occur on or near the affected parcels. (BER 1999).

WAUPACA COUNTY

Over 50,000 people live in Waupaca County. The city of Waupaca is the county seat and has 5,000 residents. Waupaca County's economy is geared towards the retail trade, manufacturing and construction industries.

The bald eagle and Karner blue butterfly (federally-listed as endangered) are known to occur in Waupaca County.

Clintonville: Township 25 North, Range 15 East, Section 2 SW¼NE¼, (40 acres (Map 12)). This parcel is located near Clintonville in the Town of Matteson. No endangered, threatened or special concern species or natural communities are known to exist for this tract or areas nearby (BER 1999).

There are no known hazardous materials located on the parcel.

Chapter Four – Environmental Consequences

Introduction

Given that the proposed plan is designed to provide disposal criteria and not specific decisions about each parcel, the impact assessment will be general in nature. Until BLM receives applications and plans of development for individual parcels, a detailed environmental assessment (EA) under the guidance of the National Environmental Policy Act is impractical and would be highly imprecise. In-depth EAs will be conducted when BLM gets applications for individual parcels.

ALTERNATIVE ONE – TRANSFER FROM BLM ADMINISTRATION

Lighthouses

The level of impact of transferring the lighthouses to non-BLM entities would depend on the type of development proposed by a prospective land manager.

Eagle Bluff: It is unlikely that there will be any significant change in use and management, so new impacts are considered negligible.

Plum Island: Under this alternative, BLM could authorize a wide variety of uses or place significant restrictions on the use of the island. Conceivably, the island could be used as an interpretative center for Great Lakes maritime history; as a rustic or developed State Park campground, as a unit of the National Wildlife Refuge System, or could be closed to public access in some parts of the island to protect cultural or other resources. It is also possible for all of these uses could occur in some form.

The impact of transferring the island would largely depend on what the land would be used for. Impacts that may result from transferring the property to another entity and allowing public access to the island include fuel and lubricant leaks from vessels using the nearshore waters, vandalism of historic properties or theft of artifacts, and loss of critical habitat, including that for threatened and endangered species or migratory birds.

Pilot Island: Unlike Plum Island no development proposals for Pilot Island were presented during the planning process. It is unlikely that the island could support much development or use. In the absence of financial support that could be generated by development, it is not likely that the lighthouse/keepers quarters could be maintained. In addition, the lack of an on-the-ground presence could result in illegal collection or destruction of cultural resources, both on the island and off-shore in the area with shipwrecks.

Cana Island: Many of the impacts associated with transferring the Cana Island lighthouse depend on how traffic and access is managed. Currently, the Door County Maritime Museum conducts an interpretative program and operates a small shop out of the lighthouse.

Even with such a relatively small operation in terms of personnel and interpretative facilities thousands of people visit the island annually. These numbers could increase if the island were transferred to a new landowner who could develop long-term development and marketing plans.

Under the disposal criteria outlined in Chapter One, BLM will require a transportation/access plan from prospective land managers. That plan, coupled with a development plan for the entire island, will forecast use levels and how this use will be accommodated with minimal impact to local residents and the surrounding environment.

Some of the ideas presented by parties interested in Cana Island include creating an off-site parking area away from the turnaround, or purchasing private land adjacent to the turnaround and converting it to a parking facility. Off-site parking could either be in Baileys Harbor or a nearby unspecified tract of land. It has been suggested that from the off-site parking area, visitors would be taken by bus to the turnaround at the end of Cana Island Road.

In the EA for any Cana Island proposal, the National Environmental Policy Act requires that BLM look at both on- and off-site impacts. On-site impacts are defined as those which would occur on the Cana Island; off-site impacts are those impacts that would occur away from the island but would be directly linked to the proposed action.

The requirement that all prospective landowners lay out how they intend to reduce parking along Cana Island Road and move people to and from the lighthouse will alleviate the current situation in which visitors to the lighthouse have overcrowded the road and created other impacts to the neighborhood.

Regardless of the specific management program at any of the lighthouses, environmental impacts would be related to the following factors:

- Ground disturbing activities;
- Traffic and parking (Cana Island);
- Access (e.g., docking facilities at Plum and Pilot Islands);
- Onsite sanitary systems.

These factors may affect cultural resources, endangered species, neighbors' peaceful use and enjoyment of their property, and the local economy and tax base. Some possible short-term impacts could include equipment and vehicle noise, soil compaction and erosion in the area of any proposed construction, additional traffic for construction equipment, and the loss of some vegetation.

As noted in Chapter One, BLM cannot accept jurisdiction over properties contaminated by hazardous materials. BLM acknowledges, however, that until the lighthouse properties are transferred to permanent, long-term owners, the condition of the historic buildings will deteriorate. The recent re-roofing of the keepers quarters on Plum Island by the Coast Guard will stabilize the building, but it is unknown how much damage has already occurred and whether the foundation was structurally compromised. It is reasonable to believe that other

historic lighthouse buildings and the dock on Plum Island will face a similar fate until final disposition is effected.

Upland Tracts

Lands in this category are divided into two subsets: rejected color-of-title (COT) claims and parcels without title conflicts. In some instances, BLM will consider selling the rejected COT parcels to the previous claimant. In cases where a COT claim is rejected for resource protection reasons, BLM will pursue transfer to another government entity or non-profit group to protect the resources. These situations will be considered and analyzed on a case-by-case basis.

Because these diverse scenarios could result in development (or private ownership at a minimum) or where the land would remain undeveloped, potential impacts vary greatly. In general, however, if the land goes into private ownership, BLM would have no control over management of the property. Local (county) zoning ordinances would be controlling. Shoreline setbacks would mitigate most visual and sanitary impacts to shorelands and water bodies, respectively. There could be a loss of vegetation, or increased soil erosion or household chemical use (pesticides, herbicides, fertilizers, etc.)

Impacts to cultural resources, threatened or endangered species or wetlands would be mitigated by BLM's consultations prior to a decision to sell a parcel. For example, BLM will conduct archaeological site surveys to identify the scope and significance of cultural resources before taking action to sell any property. If these surveys reveal that the land is potentially eligible for inclusion on the National Register of Historic Places, it would be unlikely that the property would be transferred from Federal ownership.

ALTERNATIVE TWO – NO ACTION

Lighthouses

Under this alternative, BLM would not act on transferring the lighthouse parcels to other entities, but would maintain the properties under custodial management. This would likely result in some short- and long-term impacts.

Cana Island and Eagle Bluff, which currently are open to the public would be closed. This would result in a loss of tourist activity in and around the adjacent communities. BLM assumes Baileys Harbor (Cana Island) would suffer a larger loss of tourism than the communities adjacent to Eagle Bluff because the latter is within a major state park, which is a much larger pull than the lighthouse alone. Information on how much money directly attributable to tourists visiting the Cana Island Lighthouse is spent in Baileys Harbor is not currently available.

Even if BLM were to perform minimal maintenance the buildings would inevitably

deteriorate. Because the properties would appear to be abandoned, vandalism to structures and other cultural resources could occur. It is unlikely BLM could budget funds to perform maintenance activities, especially if the property is closed to the public.

Some traffic and parking problems along Cana Island Road would likely continue, although at a lower level because the lighthouse would no longer be marketed as a tourist destination.

Upland Parcels

The lack of an on-the-ground presence on these parcels could result in illegal trespass and camping. As the properties would remain in Federal ownership there would be a continued loss to county tax. Finally, BLM would be unable to approve utility rights-of-way or other management activities. That could mean that adjacent landowners may be unable to place utility lines across or beneath the shortest and cheapest route if that happened to be Federal land.

ALTERNATIVE THREE – RETAIN/ACTIVE MANAGEMENT BY BLM

Lighthouses

The restoration of the lighthouses, development and operation of interpretative and historic facilities, and transportation to and from the facilities would fall to the BLM under this alternative. Impacts would be similar to Alternative One. Because BLM does not have a current plan on how to actively manage lighthouses, it is impossible to specify what these impacts would be.

If provided for in the site-specific implementation plans, BLM could issue leases to other parties to manage the structures and/or lands. Impacts to cultural, threatened and endangered wildlife and plant species, wetlands and the economic effect would depend on BLM's management program. The Bureau would be required to meet the same standards set forth in the disposal criteria as any other prospective land manager and would also have to conduct all applicable consultations.

Upland Parcels

Impacts would vary depending on the type of management program BLM undertakes for these tracts. For those properties that are under color-of-title application, taxes have likely been paid, a situation which would change after BLM takes over the land. The Federal government would compensate localities with payments in lieu of taxes (PILT), albeit at a level lower than the property tax rate. The difference between the two payments would be the economic impact. On the other hand, BLM might develop the properties; for example as a recreation site, which may create a positive economic impact to the local economy.

Natural resource impacts are more difficult to measure because it is unknown the nature and

scope of development, if any, that would occur on the properties. Currently, most of the upland tracts are undeveloped or are being used non-intensively (e.g., pasture lands, tree lots, or as hunting grounds). BLM might choose to develop some or all of the tracts for primitive or semi-primitive motorized recreation (e.g., all terrain vehicles, snowmobiles). This type of activity would create a larger impact.

Socioeconomics

Given the enormity Wisconsin's gross state product and that of the Great Lakes region, implementation of any of the alternatives would have negligible economic impacts on the State and the region as a whole. Local economic impacts may be more pronounced as long-term, permanent ownership of the lighthouse parcels, for example, and their lessees result in more intensive management of the properties. Examples of such management include improvements to tourist facilities, infrastructure, and other management activities.

Because the nature and extent of these activities are unknown, it is impossible to determine the economic impacts of either Alternative One or Three. Under either alternative, the economic benefits would be similar.

Under Alternative Two (no action), economic impact would be restricted to the loss of economic opportunities and some tax revenues. No large-scale restoration could occur at the lighthouses, which may result in some loss of construction jobs; however, minimal maintenance on the buildings would take place.⁴ There would be an indeterminate loss of revenue generated by tourist activity. Similarly, the slow deterioration of the lighthouses would be a loss to society as a whole, which has placed a high value on preserving objects of its cultural heritage.

Other Resources

When appropriate in its land use plans, BLM is required to:

- Identify lands open, closed or open subject to no surface occupancy stipulations to mineral leasing;
- Identify impacts to native vegetation and whether BLM's actions will exacerbate a noxious weed problem;
- Identify special recreation management areas;
- Identify right-of way corridors and avoidance and exclusion areas; and
- Identify areas of critical environmental concern (ACECs).

See page 13 for a discussion on these subjects. If BLM were to retain a parcel, a plan amendment would be necessary to consider whether to designate it an ACEC.

⁴ Most restoration projects undertaken by not-for-profit groups are done by volunteers and through in-kind donation of materials and machinery.

Because the tracts are small and isolated, it was determined that minerals could not be economically developed. Wisconsin does not have any known fluid mineral deposits. BLM will consider, on a case-by-case basis whether to sell the mineral rights to surface owners (if they are non-Federal entities) under the authority of FLPMA, Sec. 209.

Residual Impacts

The NEPA regulations require agencies to identify impacts after all reasonable mitigation has been applied. Because we do not have specific proposals for any of the parcels, we have not, in general, identified or analyzed specific mitigation measures.

The NEPA regulations (40 CFR 1500 et seq.) do not distinguish between negative and positive impacts. Thus, BLM could take an action that results in additional jobs (related to the restoration and operation of the lighthouses, for example) or increased tax revenue to local governments (public sale of Federal lands). The scope and extent of these potentially positive impacts cannot be gauged now. It can be stated with reasonable assurance, however, that some positive impact — both economic and environmental — could occur as a result of choosing either Alternative One or Three. There would be no residual positive impacts related to Alternative Two (no action).

Negative impacts related to Alternative Two would be the lack of on-the-ground management oversight on the scattered upland parcels. The lighthouses would be maintained on a custodial basis, which would leave the potential for vandalism, deterioration of the buildings, the loss of opportunity for interpreting maritime and natural history on the lighthouse parcels and a small loss in local sales tax revenue.

If Alternative One is chosen, residual negative impacts could include some loss of vegetation on those parcels that go into private ownership.⁵ For parcels transferred to other governmental entities, only minimal vegetation loss is contemplated; site-specific impacts may vary.

Cumulative Impacts

The Council on Environmental Quality (CEQ) defines cumulative impacts in 40 CFR 1508.7 as the impact:

[w]hich results from the incremental impact of the action when added to other past, present and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such

⁵ It is possible that one or more of these parcels could be sold with a conservation easement attached. This would restrict owners from developing the land, although it would still be possible to maintain the property.

other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

The potential for cumulative impacts under the actions proposed in the proposed plan would be restricted to local impacts. It may be possible that the transfer of a BLM tract or group of tracts could trigger an unanticipated impact. For example, the transfer of all four lighthouses could spur a significant increase in the number of tourists to Door County, which would strain local roads and other infrastructure. It is unlikely given the level of development envisioned by the alternatives and constrained by the disposal criteria that such a synergy would occur. However, cumulative impacts will be considered in the site-specific environmental assessments.

Chapter Five - Consultation and Coordination

Public Participation

The planning process began with the publication of notices in the Federal Register on February 26, 1999 (64 FR 38) and in local newspapers of general circulation in each county affected by the plan. In addition, notices were sent to local television and radio stations, which resulted in news articles that publicized BLM's efforts.

BLM received numerous written comments through the Postal Service and electronic mail. We also received dozens of telephone calls from the public, non-profit groups and state and local officials.

In April, 1999, BLM held a public workshop in Baileys Harbor to identify issues that the plan should be cover. Participants focused exclusively on the lighthouse properties. Roughly 40 members of the public and agency officials attended the event.

BLM published two newsletters during the scoping period, designed to educate the public on our planning process and to solicit comments. Over 100 people received copies of the newsletters. On May 14, 1999, the Milwaukee *Journal-Sentinel* published an article on the issues surrounding the operation of the Cana Island lighthouse. The Door County *Advocate* also published several articles on the plan. The articles prompted numerous additional calls and letters from the public.

During August 1999, BLM participated in a trip to Plum Island arranged by a group interested in restoring the property. This event brought together Federal, state, and local officials, the Coast Guard and several interested individuals. The purpose of the trip was to open a dialog among the interested parties regarding future management of the island.

BLM also consulted with thirteen Native American tribal chairmen and historic preservation officers to determine the nature and extent of cultural resources that may be present on or near the properties.

The following agencies, organizations and individuals were contacted during the development of this plan (all are located within Wisconsin, unless otherwise noted):

Federal Agencies

U.S. Coast Guard

Laurette Tully, Civil Engineering Unit, Cleveland, OH
CWO Jones, USCG Group Milwaukee

U.S. Fish and Wildlife Service

Realty Branch, Ft. Snelling, MN

Janet Smith, Ecological Services Office, Green Bay
Joel Trick, Ecological Services Office, Green Bay
Patti Meyers, Refuge Manager, Horicon NWR, Mayville

U.S. Congress

U.S. Sen. Herb Kohl
U.S. Sen. Russ Feingold
Congressman Mark Green

State of Wisconsin

Department of Natural Resources

Arnie Lindauer, Green Bay
Ron Fassbender, Sturgeon Bay
Dave Hammer, Madison
Park Manager, Peninsula State Park, Fish Creek
Jean Rombach-Bartels, Park Manager, Potawatomi State Park, Sturgeon Bay
Jeff Pagels, Green Bay
Bill Selbig, Green Bay

State Historical Society of Wisconsin

Leslie Eisenberg, Madison
Rick Bernstein
Sherman Banker
Jeff Gray

Other State Agencies and Legislature

Office of the Governor
State Rep. David E. Hutchison
State Sen. Robert Cowles
State Sen. Alan J. Lasee
Stephen E. Gauger, Board of Commissioners of Public Lands (BCPL), Madison
Michael Paus, BCPL, Lake Tomahawk
Diana Toledo, Wisconsin Coastal Management Program, Madison
Michael Corry, Department of Commerce, Madison

Media

Ashland *Press*
Green Bay *Press-Gazette*
Door County *Advocate*
Marinette *Eagle Herald*
Rhineland *News*
Milwaukee *Journal-Sentinel*
Lighthouse Digest, Wells, ME
WGBA, Green Bay
WLUK, Green Bay

WBAY, Green Bay
WFRV, Green Bay

Individuals

Ed Augustine, Spike Horn Campground, Baileys Harbor
Yvonne Kennedy, Arlington Heights, IL
Joe Martell, Grand View
Bill and Lisa Morris, Muskegon, MI
Jerry and Barbara Plamann, Appleton
Martin Scanlan, Madison
Jim Van Miller, Green Bay

County Officials

Gene Ahlborn, Vilas County Board, Eagle River
Charles Braun, Door County Sheriff, Sturgeon Bay
Rebecca Frisch, Langlade County Zoning Administrator, Antigo
Erhard Huettl, Forest County Board Chairman, Crandon
Fred Janz, Bayfield County Board of Commissioners, Washburn
Eugene Kamps, Langlade County Board Chairman, Antigo
William Korrer, Oneida County Board Chair, Rhineland
Leroy Liebe, Door County Board of Supervisors, Sturgeon Bay
Steve Osterman, Oneida County Zoning Administrator, Rhineland
George Pinney, Door County Parks Department, Sturgeon Bay
Duane R. Brown, Waupaca County Board Chairman, Waupaca
Norb Schachtner, Door County Board of Supervisors, Sturgeon Bay
Michael Sohosky, Langlade County Forest Administrator, Antigo
Adolph Staidl, Marinette County Board Chair, Marinette
Leo Zipperer, Door County Board of Supervisors, Sturgeon Bay

Municipal Officials

Suzanne Bauldry, Town Supervisor, Baileys Harbor
Peter Jacobs, Town Supervisor, Baileys Harbor
Steve Parent, Town Chairman, Baileys Harbor
Robert Schultz, Town Supervisor, Baileys Harbor
Donald Sitte, Town Supervisor, Baileys Harbor

Non-Governmental Organizations

Roy Aiken, Door Property Owners, Inc., Sturgeon Bay
William Chaudoir, Door County Econ. Development Corp., Sturgeon Bay
Mike Grimm, The Nature Conservancy, Sturgeon Bay
Robert Hastings, Door County Chamber of Commerce, Sturgeon Bay
John Gast, Door County Maritime Museum, Sturgeon Bay
Doug Henderson, Door County Maritime Museum, Sturgeon Bay
Wayne Lemberg, Door County Historical Society, Baileys Harbor
Annie Miller, Baileys Harbor Business Assoc., Baileys Harbor

Dick Moehl, Great Lakes Lighthouse Keepers Assoc., Dearborn, MI
Bryan Nelson, Baileys Harbor Business Assoc., Baileys Harbor
Paul Sawyer, Cana Island Road Property Owners, Baileys Harbor
Sierra Club, John Muir Chapter, Madison
Tim Sweet, Friends of Rock Island, Clintonville
Wayne Wheeler, US Lighthouse Society, San Francisco, CA

Native American Tribes

Bad River Tribal Council
Forest County Potawatomi
Ho-Chunk Nation
Lac du Flambeau Band of Lake Superior Chippewa Indians
Lac Vieux Desert Band of Lake Superior Chippewa Indians
Lac Corte Oreille Band of Lake Superior Chippewa Indians
Menominee Tribe of Wisconsin
Oneida Tribe of Indians of Wisconsin
Red Cliff Band of Lake Superior Chippewa Indians
Sokogan Chippewa Community (Mole Lake)
St. Croix Band of Lake Superior Chippewa Indians
Stockbridge-Munsee Band of Mohican Indians
Winnebago Tribal Council

List of Preparers

The Wisconsin Draft Resource Management Plan Amendment/Environmental Assessment has been a collaborative effort on the part of several individuals in the Milwaukee Field Office. The following people made important contributions to the plan:

Tim Abing, Petroleum engineer
Larry Johnson, Realty specialist
Sylvia Jordan, Natural resource specialist
Howard Levine, Planning and environmental coordinator
Jeff Nolder, Geologist
Paul Salvatore, Realty specialist
Marcia Sieckman, Realty specialist
Steve Volz, Geologist

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- U.S. Fish and Wildlife Service. 1999. Resource clearance for Wisconsin Resource Management Plan Amendment transfer of multiple parcels out of BLM jurisdiction, Janet Smith, Field Supervisor, Green Bay, WI, 4pp.

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Wisconsin Department of Commerce. 1998. *Final environmental impact statement for proposed changes to chapter Comm 83, 85 and other related rules regulating private onsite wastewater treatment systems*, Department of Commerce, Division of Safety and Buildings, August 24, Madison, WI.

Wisconsin Department of Natural Resources. 1999. Letter to Denise Hancsak, US Coast Guard, Civil Engineering Unit, referring to groundwater use restriction, 2pp + att, Green Bay, WI, Aug. 19.

Wisconsin State Legislature. 1997. *State of Wisconsin 1997-1998 blue book*, Madison, WI, 970 pp.

Appendix 1 - Native American Consultation and Coordination

The tribes contacted were all those which have tribal lands in the state of Wisconsin identified on the "Indian Tribes 1992" map published by the U.S. Geological Survey. One tribe from Michigan was contacted because its lands lie adjacent to Wisconsin. The State Historical Society of Wisconsin also provided a list of names of tribal historic preservation officers, repatriation representatives and tribal chairmen that should be contacted as required by the National Historic Preservation Act of 1966, as amended, and the National Environmental Policy Act of 1969.

In all, thirteen tribes received letters from BLM requesting information regarding their knowledge of cultural resources important to the tribes. These letters were followed-up by telephone calls to the addressees. Some of these contacts recommended other people who should receive the letters as well. BLM also sent these individuals copies of the letters.

All of the contacts requested that BLM continue to send information regarding the plan and disposition of the properties.

Appendix 2 - Legal Descriptions of Affected Properties

The parcels included in the proposed plan are legally described as follows:

Bayfield County

Perry Lake (Town of Cable)

Township 43 North, Range 7 West, Section 17, Lot 11; 16.27 acres.

Lake Osborn (Town of Grandview)

Township 45 North, Range 6 West, Section 33, Lots 8-12; 62.3 acres.

Door County

Cana Island Lighthouse (Town of Baileys Harbor)

Township 30 North, Range 28 East, Section 11, Tract 37; 9.06 acres.

Eagle Bluff Lighthouse (Town of Gibraltar)

Township 31 North, Range 27 East, Section 17, NW Fractional Corner; 1.0 acre.

Pilot Island Lighthouse (Town of Washington)

Township 32 North, Range 29 East, Section 1, NENW; 3.2 acres.

Plum Island Lighthouse (Town of Washington)

Township 33 North, Range 29 East, Section 26, Lots 1&2; Section 27, Lots 1, 2, and 3; 325 acres.

Langlade County

Lower Bass Lake (Town of Upham)

Township 33 North, Range 10 East, Section 25, Lot 17; 1.18 acres.

Oneida County

Lily Lake (Town of Crescent)

Township 36 North, Range 8 East, Section 22, Lot 12; 32.47 acres.

Vilas County

Big Lake (Town of Presque Isle)

Township 43 North, Range 6 East, Section 33, Lots 7 and 8; 56.23 acres.

Pickerel Lake (Town of Cloverland)

Township 40 North, Range 9 East Section 4, Lots 8 and 9; 63.66 acres.

Waupaca County

Clintonville (Town of Matteson)

Township 25 North, Range 15 East, Section 2 SW $\frac{1}{4}$ NE $\frac{1}{4}$; 40 acres.

Total 610.37 acres.

Appendix 3 - Disposal Criteria from 1985 Wisconsin RMP

(verbatim)

1. Disposal Criteria

All BLM surface tracts are categorized for disposal and will be evaluated on a tract-by-tract basis against the following set of criteria:

- a. Where possible, the preferred method of disposal will be by transfer to another public agency or non-profit body. (The exception would be in cases where an applicant fails to acquire a parcel under the Color-of-Title Act and wishes to purchase the land under a FLPMA sale.)
- b. Where site-specific analysis reveals no interest by another public or non-profit body, BLM tracts may be offered through sale or exchange to a private body. Tracts will be retained under BLM administration only where management and no other public or non-profit body is available or willing to assume jurisdiction. Preference for sale or transfer may be readjusted based on policy changes, as well as on site-specific analysis. If additional BLM surface tracts are discovered in the future, they will also be evaluated and categorized for disposal, through the RMP amendment process.

2. Implementation Actions

The following actions will be necessary to implement this alternative:

- a. Subsequent to plan approval, each tract (or related groups of tracts) will be evaluated for an on-site inspection and evaluation of renewable resource values and uses, resolution of occupancy or title conflict situations if any, and potential transfer or sale. Sale terms and deed restrictions, if necessary, will reference applicable local or State land use requirements.
- b. Any unauthorized use (occupancy), color-of-title or title conflict situation will have to be resolved prior to any other implementing action.
- c. A land report will be prepared for each tract to present findings and recommend a preferred transfer option. The various transfer options available include:
 - Recreation and Public Purposes Act lease or sale;
 - Withdrawal on behalf of another Federal agency;
 - Exchange between another Federal agency and a third party (private, state or local government);
 - Color-of-title claimants who satisfy the requirements of the color-of-title act; and
 - Public sale (under Sec. 203, FLPMA).
- d. A site-specific environmental analysis will be prepared for each tract

(or related groups of tracts) to evaluate the potential effects of the preferred transfer option and reasonable alternatives. Copies of the environmental analyses will be made available to interested parties on a request basis.

- e. Prior to any transfer, a Notice of Realty Action will be published in the Federal Register and general circulation newspapers to provide public notice and opportunity to comment on the action.

3. Retention Criteria

Areas where disposal of the surface would unnecessarily interfere with the logical development of the mineral estate, e.g., surface minerals, coal, phosphate, known geologic structures, etc.

Public lands withdrawn by BLM or another Federal agency for which the purpose of the withdrawal remains valid.

Appendix 4 - Summary of Comments and Responses on Draft RMP

In accordance with BLM's planning regulations and the National Environmental Policy Act (NEPA), the public was given 60 days in which to comment on the draft plan amendment. The purpose of the comment period was to give the public and other governmental and non-governmental organizations the opportunity to suggest modifications to the alternatives, to supplement, improve or modify the analyses contained in the plan, and to make factual corrections.

The NEPA regulations at 40 CFR 1503.4(b) apply to environmental impact statements require that Federal agencies respond to all *substantive* comments made on the draft. Personal preferences for individual alternatives or outcomes are not considered substantive, although they are forwarded to decision makers prior to making final decisions about the parcels.

The following section summarizes these comments and gives BLM's responses. It includes general comments on the plan and our responses; comments related to individual tracts; and specific comments. We note if we have changed the language in the document, or if not why we did not. The comment and the response summary is organized by page number from the draft plan, so refer to it to follow the discussion.

Comments Related to a Specific Issue or Parcel

Requests to purchase Federal land: Several requests were made about how to buy specific tracts of land, including the lighthouse properties.

Response 1: Public land sales could be authorized under *Alternative One - Transfer from BLM Administration* under very specific circumstances, which are outlined in the disposal criteria. There is little likelihood, however, that any tracts will be offered to the general public, other than adjacent landowners. See Alternative One and parcel-specific information in the plan. It is more likely that the lands will be transferred to other Federal, state or local agencies, non-profit organizations or sold to adjacent property owners.

Protection of cultural and natural resources prior to disposal of lighthouse properties: Until the parcels are conveyed to permanent land managers, sensitive resources will continue to be at risk. The plan does not mention any interim measures for the island properties. BLM should consider how to expedite the planning process to convey the parcels in order to minimize impacts to these sensitive resources.

Response 2: We are cognizant of the risks to sensitive resources pending final disposition and transfer of the lighthouse properties. At this time, we are aware of

several somewhat divergent views on the best management options for lighthouses. Because the NEPA process is open and inclusive, one of the biggest challenges will be to address all interested parties' concerns for the future of the islands. As some parties' interests may conflict with others, it will no doubt take time to resolve these conflicts.

The island properties will remain under the jurisdiction of the U.S. Coast Guard until the current withdrawals are revoked. BLM has expedited its planning for these properties and will continue to work with all interested parties to ensure that land transfers occur as expeditiously as possible. BLM will begin to solicit for applications for the properties shortly after this plan is approved. We cannot estimate how much time it will take to complete the environmental assessments for the parcels.

Comments Concerning Cana Island

Comment. Several parties raised concerns about the future management of the Cana Island lighthouse. These comments echoed earlier concerns regarding the impacts on the neighborhood of continued public use of and access to the lighthouse. It was further noted that transportation to and from the lighthouse would need to be designed in such a way as to minimize impacts to the neighborhood and home values.

Response 3: The plan notes that any applications filed for Cana Island contain a plan for dealing with public access to the island. We called it a transportation plan, which we envision will outline how the problems associated with traffic and parking along Cana Island Road can be eased.

Comment. It was also requested that any instrument of transfer contain a provision to allow BLM to "reclaim" the island if the land is not managed according to BLM's plan.

Response 4: If the island is transferred under the Recreation and Public Purposes Act (R+PP), the recipient of the property will need to file and receive approval from BLM on a development plan for how the land is to be managed. All R+PP patents contain a reversionary clause which allows BLM to revoke the patent if the land is not managed in accordance with the terms of the development plan. The development plan will include a discussion of all aspects of the management of the island including how future management will affect the surrounding properties. Analysis of these so-called *off-site impacts* is a requirement of the National Environmental Policy Act.

Comments Concerning Plum Island

The future management of Plum Island generated several comments on how best to protect or to develop or protect the island's resources. Some individuals wanted BLM to transfer the island to a specific agency, while others voiced concerns about the natural, historic or cultural resources.

Response 5: Plum Island has various resources, each championed by a different group. The island's scenic beauty and natural setting would make it an attractive camping site. The lighthouse and associated buildings make it valuable to historic preservationists and heritage tourists. Cultural resources make the island important for archaeologists and anthropologists, and Native American tribes. The island is also home to endangered species and rare natural communities. In other words, Plum Island is a cornucopia of valued resources, all of which are supported by sincere and dedicated stakeholder groups.

However, it is claimed by some that to protect any one these resource values is to destroy another. For example, some people believe that protection of endangered species should be our foremost concern and that intensive development and use of the island would be incompatible. If only a limited number of people were allowed on the island, on the other hand, it may be impossible for a historic preservation group to create a sufficient revenue stream to restore and maintain the lighthouse. Conversely, some people have opined that the creation of a state park on the island would be incompatible with cultural resource protection.

BLM's mandate is to manage the public lands under multiple use and sustained yield principles and in a manner that will protect the quality of scientific, scenic, historical, ecological, water resource, archaeological and other values (FLPMA, 43 U.S.C. 1701 *et seq.*). Where appropriate, BLM will preserve and protect certain public lands in their natural condition or will provide food and habitat for fish and wildlife, and will provide opportunities for outdoor recreation. All of these choices will be evaluated in the site-specific environmental assessment for the island.

Comments Specific to a Page

Page 2, paragraph 2: Fisheries is a natural resource important to Cana Island.

Response 6: So noted.

Page 4, Disposal Criteria #1: The current leases [sic] to non-profit groups should be included as an appendix to the plan.

Response 7: We are aware of only one current lease between the U.S. Coast Guard and the Door County Maritime Museum. The BLM is not a party to this lease, nor

did we review its provisions prior to it being signed by the parties. The lease is available from the U.S. Coast Guard or directly from the Museum.

Page 4, Disposal Criteria #2: This criterion should mention fisheries for Cana Island.

Response 8: The intent of this criterion is to identify BLM's obligations to coordinate its activities and consult with other agencies prior to taking final action on the disposition of the properties. It is not a list of all the resources found on or adjacent to the affected lands. The Lake Michigan fishery is an important resource and potential impacts to it will be considered in our site-specific analysis for each tract. We are not aware of any threatened or endangered fish population in the waters adjacent to Cana Island and the U.S. Fish and Wildlife Service has not notified us of any fish specie which is.

Page 4, #5: The schedule for the Coast Guard clean up should be included.

Response 9: The Coast Guard has indicated to BLM that it will clean up Cana Island during the Federal fiscal year 2001 (October 1, 2000, through September 30, 2001.)

Page 4, #3, paragraph 2: Change wording from "BLM will require a plan to **reduce** the need for parking" to "require a plan to **address** the need for local parking" [emphasis in original].

Response 10: It is true that, until the transportation plan and site-specific environmental assessment are completed, we will not know to what extent, if any, parking should be reduced along the road. Nevertheless, the number of vehicles which park along the road poses public safety concerns that we hope will be addressed in the transportation plan.

Comment: Provide a clearer definition of "local community" as to who BLM will be working with to ensure continued access to Cana Island.

Response 11: The National Environmental Policy Act of 1969 (NEPA) regulations (40 CFR 1500 et seq.) require that BLM conduct an open process when formulating alternatives for managing the public lands. We anticipate having the same people and groups which have so far been involved in the planning process when we evaluate site-specific proposals for the island. As we focus our efforts on Cana Island, it may be that this stakeholder group will change.

Page 6, under Resource Objectives: Expand objective "Preserve historic resources" to include interpretation.

Response 12: We agree and have noted the change.

Page 6, under Procedural Requirement: Change wording from “Transportation/access plan” to “Parking/access plan.”

Response 13: We believe that access to Cana Island is the primary issue relating to the property and as such there will need to be a complete analysis of how visitors travel to and from the island. The term “Transportation Plan” was used to ensure that all available options are evaluated when developing a long-term solution to the issues surrounding the island and its environs. Mitigation of impacts to the surrounding neighborhood will require more than resolution of the parking issue but will involve a more complex analysis of transportation alternatives.

Page 6, Resource Objectives (Cana Island): “Minimize impact to fisheries” is shown, but there is no other reference to fisheries anywhere else in the document.

Response 14: We have included a list of fish species which inhabit the Lake Michigan and Green Bay waters near the lighthouse properties.

Page 8: The U.S. Fish and Wildlife Service has provided grants to the Wisconsin DNR to purchase rocky shore line near Cana Island to protect Whitefish spawning grounds.

Response 15: So noted.

Page 8: The plan does not mention that the U.S. Fish and Wildlife Service manages three islands within the vicinity lands affected by the plan.

Response 16: We have added this information to the proposed plan.

Page 9, paragraph 2, under State Agencies: Plan should reflect that Cana Island is already listed on the National Register of Historic Places.

Response 17: All four of the Door County lighthouses are currently listed on the National Register (see pages 26-28 of draft plan). Future studies will evaluate how best to protect the listed structures, whether additional buildings are eligible and if any of the islands should be included in historic districts. We will continue to work with the State Historical Society of Wisconsin, as well as Native American Tribes, to identify the resource values that may make the properties eligible for listing.

Page 11: The plan does not identify BLM’s “preferred alternative” as required by the National Environmental Policy Act regulations.

Response 18: The Council on Environmental Quality regulations do not require agencies to identify a preferred alternative in environmental assessments. The plan identified available options, but did not choose a preferred alternative because we believe one cannot be chosen until site-specific analyses are conducted for each

parcel.

Pages 11 and 33: The plan states that details on the disposition of each property are to be presented in a separate “impact assessments” [sic] or in-depth environmental assessments. Will these plans include a range of alternatives and will these development alternatives be based on competing applications received from interested parties at some unspecified time in the future? What is the expected time-frame to complete these plans?

Response 19: The plan states that final disposition will be based on site-specific environmental assessments prepared under the National Environmental Policy Act. BLM will solicit applications from interested parties in accordance with the regulations of the type of conveyance (Federal Land Policy and Management Act sales and withdrawals, and Recreation and Public Purpose Act sales and leases). Each application will be weighed against the disposal criteria identified in the Wisconsin Resource Management Plan Amendment and site-specific environmental impacts. All applicable consultations and public involvement actions will take place at that time and prior to a decision regarding disposal.

There is no time-frame to implement the plan because of unknown factors such as budget and the time it takes to conduct site-specific studies and consultations. We have included in Appendix 5 a general sequence of events which outlines the process for implementing the plan.

Page 14, Item 1: The site-specific analyses should include fisheries for Cana Island.

Response 20: If the site-specific EA reveals that fisheries could be affected by a proposed use or an alternative, we will include a discussion on these impacts and address mitigation to reduce the impact.

Page 15, Item 4: All of the islands have riparian areas and should therefore be discussed.

Response 21: Delineation of and potential impacts to riparian areas on and surrounding all of the properties will be discussed in the site-specific EAs.

Page 15, Methods of Transfer (Recreation and Public Purposes Act Transfers): The limits on recreation should be given.

Response 22: The draft plan outlines the issues to be covered in site-specific EAs. It also describes the procedures that will be followed when BLM reviews site-specific proposals. Therefore, no limits on use were set in the plan. It may be that in our review of the specific applications, certain impacts will occur that will result in setting of use limits on a particular tract.

Page 22, Water Resources: Emphasize Lake Michigan fisheries for Cana Island.

Response 23: The National Environmental Policy Act requires an analysis of the potential impacts that can be reasonably expected to occur by the implementation of any of the alternatives. We found no information, nor was any provided, which indicates that on-shore activities generally anticipated by the plan would reasonably affect Lake Michigan fisheries. If we determine that any proposed activities could potentially affect fisheries we will include an analysis of the impacts in the EA.

Page 23, Wetlands/Riparian Resources: Add a discussion on riparian resources with a special reference to fisheries and Cana Island.

Response 24: See response 23.

Page 26, paragraph 4: The approximate length of the causeway should be given. Also ownership – the State of Wisconsin – should be noted.

Response 25: The causeway is 500 feet long and it is State-owned bottomland.

Page 26, paragraph 7: The number cited for visitors to Cana Island is “probably” only those visitors who paid admission and may not include those who drove up to the causeway and parked but did not go to the island.

Response 26: The number of visitors for the 1999 season was provided by the Door County Maritime Museum. We have no information regarding how many others may have only driven to the turnaround to look at the island or went to it after hours.

Pages 26 and 28: The federally-threatened dwarf lake iris (*Iris lacustris*) is incorrectly listed as occurring on Cana Island but not on Plum Island.

Response 27: The information cited in the plan was provided by the Wisconsin Department of Natural Resources, Bureau of Endangered Resources (BER). The BER notes its observation dates for these plants (the most recent being in 1998). The U.S. Fish and Wildlife Service notes that the iris is not found on the island. (Anecdotal information suggests that the iris is found in great numbers along Cana Island Road.)

We included this list of plants to disclose to BLM decision makers and the public that threatened and endangered plant and animal species *are known to exist on or near* the affected properties. Knowing that the habitat is suitable for sensitive species may help analyze potential impacts under proposed and alternate plans for the tract.

Page 28: It should be noted that Plum Island hosts a historic, but currently inactive, bald eagle nest.

Response 28: So noted. BLM will enter into a Section 7 of the Endangered Species Act consultation prior to any action that may affect listed or eligible threatened or endangered species.

Page 34, paragraph 2: The paragraph should be rewritten to reflect the reality that thousands of tourists visit Cana Island and not that the operation is “low-profile.”

Response 29: We agree that visitation to the island may not be “low-profile.” The activity taking place at Cana Island may be better described as non-intensive in that no entity can make long-term plans for the property until the question of permanent ownership is resolved.

Page 34, paragraph 3: Why did BLM list only one alternative (off-site parking) for Cana Island? The implication is that all prospective landowners will have to limit their alternatives to an off-site transportation system.

Response 30: This section discusses general impacts based on the broad outlines of the alternatives and requirements of the disposal criteria. It was not intended to be a comprehensive list of possible outcomes.

Page 36, paragraph 3: If tourism would be lower under the “no action” alternative, why would traffic and parking problems continue at their present levels?

Response 31: It should also be noted that this alternative is required by NEPA for analytical purposes and is not necessarily a preferable outcome by BLM. We have rewritten this paragraph to clarify what could be expected under the no action alternative. Under the no action alternative, we assume that Cana Island would continue to attract a certain number of visitors a year, even if there are no interpretive programs on-site. It may be true that the island would cease to be portrayed in tourist publications for Door County and the state, which would reduce the number of people visiting the area.

BLM has no control over the road, but could post signs to keep people away from the island, but we believe that would be of limited utility. It is reasonable to assume that under this scenario, impacts could be worse because there would be no on-the-ground presence.

Page 49: Define “surface tract”.

Response 32: This term was used in the original 1985 plan for Wisconsin and was not used in this plan amendment. It is defined as lands in which the BLM manages both the surface and subsurface estates. It is intended to differentiate lands in which BLM has a management responsibility over only the mineral or subsurface estate. In the eastern United States, BLM is responsible for leasing the minerals beneath other agencies’ land, and some state-owned surface lands and tracts owned by private

parties. The proposed plan did not make any decisions affecting federally-owned minerals.

Maps 4 and 5: The map is not accurate and has confusing lines

Response 33: The maps will be corrected to make them more accurate and less confusing.

Page 51: Include an abbreviation for the U.S. Fish and Wildlife Service.

Response 34: USFWS was used as the abbreviation for the U.S. Fish and Wildlife Service.

Appendix 5 - Implementation Plan

Plan implementation will require completing many connected and sequential actions. This section describes these actions generally for all tracts and specifically for each parcel. There is no time-table for completing the actions. Due to budgetary constraints, it is necessary to place priorities on which properties should receive the earliest attention for processing. To this end, the priorities are as designated as **A**, **B**, **C**, with “**A**” designations receiving the top priority and “**C**” the lowest.

For some of the parcels, BLM may need to conduct additional studies or undertake negotiations with affected parties to resolve issues identified during the implementation phase. It is BLM’s intent, however, to divest itself of these properties as quickly as possible.

All actions will be preceded by publication of a classification order to be published in the Federal Register before BLM can make the land available for transfer. For the lighthouse properties, BLM will publish a public land order (PLO) in the Federal Register to restore the land to the operation of the public land laws. The PLO will enable another federal agency to take over jurisdiction of the land or allow BLM to transfer the land to a non-federal entity. All PLO’s must be signed by the Assistant Secretary of the Interior.

	Additional Studies/Actions Prior to Final Decision
Bayfield County	
Perry Lake Priority C	1. Request application(s) 2. Sec. 106 (National Historic Preservation Act) Consultation 3. Sec. 7 (Endangered Species Act) Consultation 4. Environmental Assessment (EA) 5. Appraisal 6. Complete realty actions
Lake Osborn Priority C	1. Request application(s) 2. Sec. 106 Consultation 3. Sec. 7 Consultation 4. EA 5. Appraisal 6. Complete realty actions

Door County	
Cana Island Priority A	1. Request application(s) 2. Transportation/Access Plan 3. Archaeological Survey 4. Sec. 106 Consultation 5. Sec. 7 Consultation 6. Hazardous materials clearance 7. EA 8. Complete realty actions
Eagle Bluff Priority B	1. Request application(s) 2. Archaeological Survey 3. Sec. 106 Consultation 4. Sec. 7 Consultation (?) 5. EA 6. Complete realty actions
Pilot Island Priority B	1. Request application(s) 2. Archaeological Survey 3. Sec. 106 Consultation 4. Sec. 7 Consultation 5. EA 6. Complete realty actions
Plum Island Priority A	1. Request application(s) 2. Archaeological Survey 3. Sec. 106 Consultation 4. Sec. 7 Consultation 5. EA 6. Complete realty actions
Langlade County Priority C	1. Phase I Cultural Resources Assessment 2. Sec. 106 Consultation 3. Sec. 7 Consultation 4. EA 5. Appraisal 6. Complete realty actions
Oneida County Priority C	1. Sec. 106 Consultation 2. Phase I Cultural Resources Assessment 3. Sec. 7 Consultation 4. EA 5. Complete realty actions

Vilas County	
Lily Lake Priority C	<ol style="list-style-type: none"> 1. Phase I Cultural Resources Assessment 2. Sec. 106 Consultation 3. Sec. 7 Consultation 4. EA 5. Appraisal 6. Complete realty actions
Pickerel Lake Priority C	<ol style="list-style-type: none"> 1. Phase I Cultural Resources Assessment 2. Sec. 106 Consultation 3. Sec. 7 Consultation 4. EA 5. Appraisal 6. Complete realty actions
Waupaca County Priority C	<ol style="list-style-type: none"> 1. Phase I Cultural Resources Assessment 2. Sec. 7 Consultation 3. EA 4. Appraisal 5. Complete realty actions

Table 3. Implementation plan actions.

Notes: As requested by the State Historic Society of Wisconsin (SHSW), Phase I cultural resource assessments and archaeological surveys are required by the National Historic Preservation Act (NHPA) on proposed transfers of land from Federal ownership. If it is determined that a particular tract is suitable for transfer through a withdrawal to another Federal agency this requirement will be waived. For tracts that may be transferred to State or local government agencies, BLM will conduct the surveys and use the information accordingly in its decision making process regarding the disposition of the tract. Cultural resource surveys may also be conducted on tracts identified for sale, but the cost may need to be borne by applicants.

BLM will continue to engage the SHSW and Native American Tribes in discussions with respect to our responsibilities under the Native American Graves Protection and Repatriation Act, the American Indian Religious Freedom Act, the Archaeological Resource Protection Act and the NHPA.

BLM will ensure that eligible or potentially eligible historic properties receive adequate protection under the NHPA. Any transfers of historic properties will carry with them certifiable guarantees that the properties are preserved in place. To avoid adverse effects to the properties, BLM will require potential recipients (and any third-party lessees) to file a preservation plan developed pursuant to the National Park Service's Historic Surplus Program. The preservation plan will have three components: (1) an Architectural Plan; (2) a Use Plan; and (3) a Financial Plan.

The SHSW has requested that BLM survey and evaluate under 36 CFR 800.4 Cana,

Plum and Pilot Islands for possible inclusion into historic districts.

BLM will enter into Section 7 of the Endangered Species Act (ESA) consultations with the USFWS on tracts that may have suitable habitat for the occurrence of listed or potentially eligible threatened or endangered (T&E) plant and animal species. This consultation will occur *after* BLM receives applications for the properties as it would enable the government to determine what, if any, mitigation would be necessary to protect T&E species based on the proposed use. BLM will not sell or transfer properties before this consultation is completed.

All of the properties will, at a minimum, have site clearances conducted under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended. Some of the sites, notably Plum and Pilot Islands, have had environmental site assessments conducted already and are awaiting remediation from the toxic materials found on-site.

As noted in response 9 in Appendix 4, Cana Island has a minor contamination problem which may affect its groundwater supply. The Coast Guard is reviewing the State of Wisconsin's recommendation to add a deed restriction on groundwater use. A scheduled clean up at the island would occur in 2001, if the Coast Guard decides not to accept the deed restriction.

BLM will prepare site-specific environmental assessments (EAs) prior to issuing decisions on the disposition of the properties. The proposed actions for these EAs will be linked to external proposals from other Federal agencies, State and local governmental agencies and individuals. BLM will accept applications from only those entities and individuals deemed appropriate in this plan (see Table 2).

Appraisals to determine fair market value will be conducted only after it has been determined that a particular parcel is approved for sale. Thus, even if an appraisal is noted for a particular tract, that should not be construed as meaning the property will be sold, only that if it is sold an appraisal must first take place.

This list of administrative actions is not exhaustive. The results of consultations and the studies and surveys noted may require additional work, such as archaeological digs or other information gathering.

Glossary/Abbreviations

ACEC	Area of critical environmental concern
AIRFA	American Indian Religious Freedom Act of 1978, as amended (42 U.S.C. 1996)
ARPA	Archaeological Resources Preservation Act of 1979 (16 U.S.C. 470)
BCPL	Board of Commissioners of Public Lands (State of Wisconsin)
BER	Bureau of Endangered Resources (Wisconsin DNR)
BIA	Bureau of Indian Affairs
BLM	Bureau of Land Management
CEQ	Council on Environmental Quality
CERCLA	Comprehensive Environmental Response Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9615)
CFR	Code of Federal Regulations
COT	Color-of-Title (Act of December 22, 1928, as amended; 43 U.S.C. 1068)
CZMA	Coastal Zone Management Act of 1972 (16 U.S.C. 1451)
DNR	Department of Natural Resources (State of Wisconsin)
DR	Decision Record
EA	Environmental Assessment
ESA	Endangered Species Act of 1973 (16 U.S.C. 1531 seq.)
FLPMA	Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1701)
FMV	Fair market value
FONSI	Finding of No Significant Impact
FR	Federal Register
NAGPRA	Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)
NEPA	National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321)
NHPA	National Historic Preservation Act of 1966, as amended (16 U.S.C. 470)
NWR	National Wildlife Refuge
PSD	Prevention of Significant Deterioration
R+PP	Recreation and Public Purposes Act of 1926, as amended (43 U.S.C. 869)
RMP	Resource Management Plan
SHSW	State Historical Society of Wisconsin
USCG	United States Coast Guard
USDA	United States Department of Agriculture
USFWS	U.S. Fish and Wildlife Service

